

IN THE DISTRICT COURT OF THE UNITED STATES  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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U.S. DISTRICT COURT  
MIDDLE DISTRICT ALABAMA

LINDY G. WRIGHT,

Plaintiff

v.

CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE, et al.,

Defendants

Case No.: 3:06-CV-1087-WKW

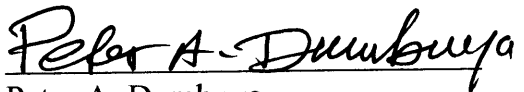
PLAINTIFF'S EXHIBITS

CERTIFICATE OF SERVICE

I hereby certify that Plaintiff's Exhibits have been duly served upon the following on  
this the 6<sup>th</sup> day of November, 2007:

Hon. H.E. Nix, Jr.  
Hon. Brandy F. Price  
Nix Holtsford Gilliland Higgins & Hitson, P.C.  
P.O. Box 4128  
Montgomery, AL 36103

Hon. Joan Y. Davis  
Department of Secondary Education  
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Montgomery, AL 36130

  
Peter A. Dumbuya



**DEPOSITION OF LINDY WRIGHT**

**July 13, 2007**

**Pages 1 through 328**

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July 13, 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

LINDY G. WRIGHT,  
Plaintiff,

Vs.

CIVIL ACTION NO.  
3:06-CV-1087-WKW

CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE (CVCC),  
et al.,  
Defendants.

\*\*\*\*\*

DEPOSITION OF LINDY WRIGHT, taken pursuant  
to stipulation and agreement before Lisa J. Nix,  
Registered Professional Reporter and Commissioner  
for the State of Alabama at Large, in the Law  
Offices of Parker & Cooley, 1507 Broad Street,  
Phenix City, Alabama on Friday, July 13, 2007,  
commencing at approximately 9:40 a.m. EDT.

\*\*\*\*\*

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ALSO PRESENT:  
Dr. Laurel Blackwell  
Ms. Dixie Peterson

\*\*\*\*\*

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Deposition of Lindy Wright

<p style="text-align: right;">Page 5</p> <p>1                   STIPULATION</p> <p>2           It is hereby stipulated and agreed by and</p> <p>3 between counsel representing the parties that the</p> <p>4 deposition of LINDY WRIGHT is taken pursuant to the</p> <p>5 Federal Rules of Civil Procedure and that said</p> <p>6 deposition may be taken before Lisa J. Nix,</p> <p>7 Registered Professional Reporter and Commissioner</p> <p>8 for the State of Alabama at Large, without the</p> <p>9 formality of a commission, that objections to</p> <p>10 questions other than objections as to the form of</p> <p>11 the question need not be made at this time but may</p> <p>12 be reserved for a ruling at such time as the said</p> <p>13 deposition may be offered in evidence or used for</p> <p>14 any other purpose by either party provided for by</p> <p>15 the Statute.</p> <p>16       It is further stipulated and agreed by and</p> <p>17 between counsel representing the parties in this</p> <p>18 case that the filing of said deposition is hereby</p> <p>19 waived and may be introduced at the trial of this</p> <p>20 case or used in any other manner by either party</p> <p>21 hereto provided for by the Statute regardless of</p> <p>22 the waiving of the filing of the same.</p> <p>23       It is further stipulated and agreed by and</p>	<p style="text-align: right;">Page 7</p> <p>1   A. Jason Michael Warren.</p> <p>2   Q. Did you get divorced?</p> <p>3   A. Uh-huh. (Positive response.)</p> <p>4   Q. When you answer --</p> <p>5   A. Yes.</p> <p>6   Q. -- if you could, thank you, say yes or no.</p> <p>7   A. Okay.</p> <p>8   Q. Have you ever given a deposition before?</p> <p>9   A. Yes, sir.</p> <p>10   Q. When was that?</p> <p>11   A. I don't know the precise year. It's many</p> <p>12       years ago. Probably in '93, '94 maybe,</p> <p>13       '93.</p> <p>14   Q. What was it about?</p> <p>15   A. Job-related.</p> <p>16   Q. All right. Were you a party in the case?</p> <p>17   A. Yes, sir.</p> <p>18   Q. What was the case?</p> <p>19   A. Termination of a position.</p> <p>20   Q. And you filed a lawsuit against your</p> <p>21       employer?</p> <p>22   A. Yes.</p> <p>23   Q. Who was your employer?</p>
<p style="text-align: right;">Page 6</p> <p>1 between the parties hereto and the witness that the</p> <p>2 signature of the witness to this deposition is</p> <p>3 hereby waived.</p> <p>4</p> <p>5                   *****</p> <p>6</p> <p>7                   LINDY WRIGHT</p> <p>8       The witness, after having first been duly</p> <p>9 sworn to speak the truth, the whole truth and</p> <p>10 nothing but the truth testified as follows:</p> <p>11                   EXAMINATION</p> <p>12 BY MR. NIX:</p> <p>13 Q. Would you state your name, please.</p> <p>14 A. Lindy L. Wright.</p> <p>15 Q. Where do you live, Ms. Wright?</p> <p>16 A. 7716 Bolder Drive, Columbus, Georgia.</p> <p>17 Q. I have seen your name stated as Lindy</p> <p>18       Warren.</p> <p>19 A. Correct.</p> <p>20 Q. Is that your maiden name?</p> <p>21 A. No, that was a previous marriage.</p> <p>22 Q. Previous marriage. So who were you married</p> <p>23       to?</p>	<p style="text-align: right;">Page 8</p> <p>1   A. Total Systems.</p> <p>2   Q. Total?</p> <p>3   A. Systems.</p> <p>4   Q. Where were they located?</p> <p>5   A. In Columbus.</p> <p>6   Q. Are they still there?</p> <p>7   A. They are.</p> <p>8   Q. Was the suit filed in Georgia?</p> <p>9   A. I think -- yes, sir.</p> <p>10   Q. Who was your lawyer in that?</p> <p>11   A. It was the State.</p> <p>12   Q. The State?</p> <p>13   A. Equal Employment Opportunity Commission.</p> <p>14       It was an attorney from them.</p> <p>15   Q. It was the federal government, EEOC?</p> <p>16   A. Yes.</p> <p>17   Q. You filed a -- what kind of suit was it?</p> <p>18       You were terminated. I hear you saying</p> <p>19       that, but do you know what type of suit it</p> <p>20       was?</p> <p>21   A. No, I don't.</p> <p>22   Q. Do you remember how the suit was instituted</p> <p>23       or started?</p>

<p style="text-align: right;">Page 9</p> <p>1 A. No.</p> <p>2 Q. Do you remember filing a charge with the</p> <p>3 Equal Employment Opportunity Commission?</p> <p>4 A. What do you mean?</p> <p>5 Q. Typically, those -- if you file anything</p> <p>6 with the EEOC, you typically file a</p> <p>7 charge. It's what they call a charge.</p> <p>8 It's a form that you fill out and you make</p> <p>9 a complaint. It has some blocks that you</p> <p>10 fill in and then a little narrative section</p> <p>11 that you tell what happened.</p> <p>12 A. Yes.</p> <p>13 Q. Did you do that?</p> <p>14 A. Yes.</p> <p>15 Q. And then a lawsuit was instituted against</p> <p>16 Total Systems?</p> <p>17 A. Yes.</p> <p>18 Q. And you're saying that you did not have a</p> <p>19 private lawyer? The EEOC itself --</p> <p>20 A. Yes.</p> <p>21 Q. -- filed the suit?</p> <p>22 A. Yes.</p> <p>23 Q. Was it a class action?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. What kind of business is it?</p> <p>2 A. Credit card processing company.</p> <p>3 Q. And they're in Columbus you say?</p> <p>4 A. Uh-huh. (Positive response.)</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know anybody that still works at</p> <p>8 Total Systems?</p> <p>9 A. Yes.</p> <p>10 Q. Who?</p> <p>11 A. Jason Pettis, Holley Pettis.</p> <p>12 Q. Can you spell Pettis for me?</p> <p>13 A. P-E-T-T-I-S.</p> <p>14 Q. Holley Pettis?</p> <p>15 A. Uh-huh. (Positive response.)</p> <p>16 Q. Who else? Do you know anybody in</p> <p>17 management?</p> <p>18 A. Joan McCraine.</p> <p>19 Q. John McCraine?</p> <p>20 A. Joan McCraine.</p> <p>21 Q. Aren't you related to Joan McCraine?</p> <p>22 A. I am.</p> <p>23 Q. How are you related to her?</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I don't know.</p> <p>2 Q. Where was the office of the EEOC?</p> <p>3 A. In Atlanta.</p> <p>4 Q. What was the outcome of the case?</p> <p>5 A. It never went to court.</p> <p>6 Q. Why not?</p> <p>7 A. They said they didn't have enough</p> <p>8 evidence. That's what the attorney told</p> <p>9 me.</p> <p>10 Q. Who said that? What attorney?</p> <p>11 A. I don't know his name.</p> <p>12 Q. Was it the attorney representing you?</p> <p>13 A. Correct.</p> <p>14 Q. The attorney from the EEOC?</p> <p>15 A. Correct.</p> <p>16 Q. Who at Total Systems did you work for?</p> <p>17 A. Eric Seldon.</p> <p>18 Q. Can you spell his last name?</p> <p>19 A. S-E-L-D-O-N.</p> <p>20 Q. Is he still at Total Systems?</p> <p>21 A. I have no idea.</p> <p>22 Q. Is Total Systems still operating?</p> <p>23 A. It is.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. She's my mother-in-law.</p> <p>2 Q. And she's in management?</p> <p>3 A. She is.</p> <p>4 Q. What's her position at Total Systems?</p> <p>5 A. She's a manager over her department. I</p> <p>6 don't know what her -- I don't know</p> <p>7 anything else other than that.</p> <p>8 Q. Do you know what her department is?</p> <p>9 A. No.</p> <p>10 Q. Did she have anything to do with the</p> <p>11 lawsuit --</p> <p>12 A. No.</p> <p>13 Q. -- that you filed against Total Systems?</p> <p>14 A. No.</p> <p>15 Q. Was it a discrimination lawsuit,</p> <p>16 Ms. Wright?</p> <p>17 A. No.</p> <p>18 Q. It was not a discrimination lawsuit?</p> <p>19 A. Not towards me.</p> <p>20 Q. What did you file it over, then?</p> <p>21 A. For being fired.</p> <p>22 Q. And why did you say they fired you?</p> <p>23 A. Because I felt like that I was fired</p>

<p style="text-align: right;">Page 13</p> <p>1 unjustly.</p> <p>2 Q. For what unjust reason?</p> <p>3 A. For what unjust reason?</p> <p>4 Q. Yes.</p> <p>5 A. Because they took two other people's word</p> <p>6 over mine and terminated me and also</p> <p>7 terminated a supervisor that --</p> <p>8 Q. I'm sorry. Go ahead.</p> <p>9 A. -- that originally was told -- told by</p> <p>10 those employees that he committed sexual</p> <p>11 harassment towards them.</p> <p>12 Q. So you filed -- inside the company, you</p> <p>13 filed a sexual harassment complaint?</p> <p>14 A. I did not file a sexual harassment</p> <p>15 complaint.</p> <p>16 Q. Did you contend that you had been sexually</p> <p>17 harassed?</p> <p>18 A. Did I contend?</p> <p>19 Q. Yes.</p> <p>20 A. No, that I -- no, that I was not sexually</p> <p>21 harassed, no.</p> <p>22 Q. Did you contend that you were discriminated</p> <p>23 against because of your sex?</p>	<p style="text-align: right;">Page 15</p> <p>1 A. And I cannot remember the other girl's</p> <p>2 name.</p> <p>3 Q. All right. Did Arthur Wimberly remain</p> <p>4 employed with Total Systems?</p> <p>5 A. No.</p> <p>6 Q. So he was fired as a result of that?</p> <p>7 A. He was fired.</p> <p>8 Q. And were the two girls also fired?</p> <p>9 A. I don't think at that time, but I think</p> <p>10 that one has been fired since then.</p> <p>11 Q. Do you remember the name of the lawyer that</p> <p>12 represented Total Systems?</p> <p>13 A. I don't.</p> <p>14 Q. Have you ever given any other depositions</p> <p>15 besides that one?</p> <p>16 A. No.</p> <p>17 Q. Did you say Jason was the name of your</p> <p>18 former husband?</p> <p>19 A. Yes.</p> <p>20 Q. Jason Warren?</p> <p>21 A. Jason Warren.</p> <p>22 Q. When were you married to him?</p> <p>23 A. Let me think of the year. I think I was</p>
<p style="text-align: right;">Page 14</p> <p>1 A. No.</p> <p>2 Q. Are you sure you were a plaintiff in this</p> <p>3 EEOC thing against Total Systems? Are you</p> <p>4 sure that you were a party, that you were a</p> <p>5 plaintiff?</p> <p>6 A. Yes.</p> <p>7 Q. All right. You say you were not</p> <p>8 discriminated against or that no sexual</p> <p>9 harassment occurred with you. Who did it</p> <p>10 occur with?</p> <p>11 A. The sexual harassment?</p> <p>12 Q. Yes.</p> <p>13 A. The two girls that turned this man in for</p> <p>14 sexual harassment.</p> <p>15 Q. Who was the man? What was his name?</p> <p>16 A. Arthur Wimberly.</p> <p>17 Q. Who were the two girls?</p> <p>18 A. You'll have to give me a minute so I can</p> <p>19 remember because it's been a long time.</p> <p>20 Q. That's all right.</p> <p>21 A. I think one of them's name was Susan</p> <p>22 Marshall.</p> <p>23 Q. Okay.</p>	<p style="text-align: right;">Page 16</p> <p>1 23. From 23 to -- we were married nine</p> <p>2 years, whatever those --</p> <p>3 Q. 23 to 32 be about right? Nine years. Do</p> <p>4 you remember what year you were married,</p> <p>5 the year in which you were married?</p> <p>6 A. No. Sorry.</p> <p>7 Q. Do you remember the year in which you were</p> <p>8 divorced?</p> <p>9 A. It was the year I graduated LPN school, so</p> <p>10 that was 2001, 2002.</p> <p>11 Q. All right. Now, where was the divorce</p> <p>12 action filed? Was it filed in Georgia</p> <p>13 or --</p> <p>14 A. In Georgia.</p> <p>15 Q. Over in Columbus?</p> <p>16 A. Yes.</p> <p>17 Q. Now, your husband -- former husband, Jason</p> <p>18 Warren, does he live in the Columbus area?</p> <p>19 A. He lives in Phenix City.</p> <p>20 Q. In Phenix City. Where does he work?</p> <p>21 A. He works for Coca-Cola.</p> <p>22 Q. What does he do there?</p> <p>23 A. I have no idea.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Now, have you ever been married</p> <p>2 other than to Jason Warren?</p> <p>3 A. Yes.</p> <p>4 Q. Tell me about that husband.</p> <p>5 A. We're currently married.</p> <p>6 Q. Currently married. His name is Wright?</p> <p>7 A. No, his name is Douglas Scott McCraine.</p> <p>8 Q. Oh, that's right. Do you go by the name</p> <p>9 McCraine?</p> <p>10 A. No, I don't.</p> <p>11 Q. Why not?</p> <p>12 A. Because I've not changed my name. We're</p> <p>13 separated.</p> <p>14 Q. You're separated?</p> <p>15 A. Yes.</p> <p>16 Q. When were you married to Douglas Scott</p> <p>17 McCraine?</p> <p>18 A. December 31st of 2004.</p> <p>19 Q. When did y'all become separated?</p> <p>20 A. It was two years ago the end of March, the</p> <p>21 beginning of April.</p> <p>22 Q. That would be 2005?</p> <p>23 A. Yes, sir.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Yes, we've talked about that also.</p> <p>2 Q. So it's kind of up in the air right now?</p> <p>3 A. Well, you could say that.</p> <p>4 (Brief interruption.)</p> <p>5 Q. Have you ever had any other husbands?</p> <p>6 A. No.</p> <p>7 Q. Do you have any children?</p> <p>8 A. Yes. I have two small children.</p> <p>9 Q. What are their names?</p> <p>10 A. Brandon McCraine and Mason McCraine.</p> <p>11 Q. Spell McCraine for me.</p> <p>12 A. M-C-C-R-A-I-N-E.</p> <p>13 Q. Brandon McCraine and who?</p> <p>14 A. Mason, M-A-S-O-N.</p> <p>15 Q. Mason McCraine.</p> <p>16 (Brief interruption.)</p> <p>17 Q. What is Brandon's birthday?</p> <p>18 A. 6-16-05.</p> <p>19 Q. 6-16-05.</p> <p>20 What is Mason's birthday?</p> <p>21 A. 7-7-06.</p> <p>22 Q. 7-7-06.</p> <p>23 (Brief interruption.)</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Was that a formal separation?</p> <p>2 A. As far as?</p> <p>3 Q. A lot of times people will actually enter</p> <p>4 into a written agreement --</p> <p>5 A. No, sir.</p> <p>6 Q. -- in a separation.</p> <p>7 A. No.</p> <p>8 Q. Y'all just agreed to part ways, and you're</p> <p>9 living in separate places now?</p> <p>10 A. Yes.</p> <p>11 Q. Is that the way it worked? Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And where does he live?</p> <p>14 A. He lives in Smiths Station.</p> <p>15 Q. Where does he work?</p> <p>16 A. He works for Alabama Power.</p> <p>17 Q. What does he do for Alabama Power?</p> <p>18 A. He is an apprentice lineman.</p> <p>19 Q. Have you talked with him about getting back</p> <p>20 together?</p> <p>21 A. Oh, yes, sir.</p> <p>22 Q. Have you talked with him about consummating</p> <p>23 a divorce?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And you were separated in March 2005 you</p> <p>2 think?</p> <p>3 A. (Witness nods head up and down.)</p> <p>4 Q. March, April.</p> <p>5 A. I think that's right.</p> <p>6 Q. Do you have any children by Jason Warren?</p> <p>7 A. No.</p> <p>8 Q. You told me, didn't you, that you live in</p> <p>9 Georgia?</p> <p>10 A. Correct.</p> <p>11 Q. I have that address I'm pretty sure.</p> <p>12 Do you live with anyone other than</p> <p>13 Brandon and Mason?</p> <p>14 A. My mother.</p> <p>15 Q. What's your mother's name?</p> <p>16 A. Lois Anita Wright.</p> <p>17 Q. L-O-I-S?</p> <p>18 A. Uh-huh (Positive response.)</p> <p>19 Q. Lois Anita?</p> <p>20 A. A-N-I-T-A.</p> <p>21 Q. Is your father living?</p> <p>22 A. No, he's not.</p> <p>23 Q. Does your mother work?</p>

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Deposition of Lindy Wright

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<p>1 A. No, she doesn't.</p> <p>2 Q. Do you live in your mother's house?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know where Sandy Gunnels lives?</p> <p>5 A. She lives in Georgia.</p> <p>6 Q. Have you ever been to her house in Georgia?</p> <p>7 A. No.</p> <p>8 Q. Didn't you stay with her some while you</p> <p>9 were attending CVCC?</p> <p>10 A. With who?</p> <p>11 Q. With Sandy Gunnels.</p> <p>12 A. No.</p> <p>13 Q. Never did stay with her?</p> <p>14 A. Never.</p> <p>15 Q. Would you tell me, Ms. Wright, who your</p> <p>16 other relatives are that live in Alabama in</p> <p>17 this general region, let's say the</p> <p>18 southeastern part of Alabama.</p> <p>19 A. Gladys Crews.</p> <p>20 Q. Can you spell Crews for me?</p> <p>21 A. C-R-E-W-S.</p> <p>22 Q. All right.</p> <p>23 A. Karl Crews.</p>	<p>1 than Crews?</p> <p>2 A. McCraine.</p> <p>3 Q. Anybody else?</p> <p>4 A. Websters.</p> <p>5 Q. Give me --</p> <p>6 A. That's married, is that what you want?</p> <p>7 Married family?</p> <p>8 Q. Sure.</p> <p>9 A. Okay. Websters. Mary Webster.</p> <p>10 Q. Mary?</p> <p>11 A. Uh-huh. (Positive response.)</p> <p>12 Q. Okay.</p> <p>13 A. Mark and Robin Webster.</p> <p>14 Q. All right.</p> <p>15 A. Mary Ellen and Robert Brooks.</p> <p>16 Q. That's E-L-L-E-N?</p> <p>17 A. Uh-huh. (Positive response.)</p> <p>18 Q. And Robert.</p> <p>19 A. Allen and Vickie Webster.</p> <p>20 Q. Okay.</p> <p>21 A. You just want in the local area or --</p> <p>22 Q. You know what I really want? Well, the</p> <p>23 Eastern District of Alabama is comprised of</p>
Page 22	Page 24
<p>1 Q. With a K or a C?</p> <p>2 A. K.</p> <p>3 Q. Okay.</p> <p>4 A. Katrina Crews.</p> <p>5 Q. Okay.</p> <p>6 A. Ray Crews.</p> <p>7 Q. That's quite a crew.</p> <p>8 A. Julie Crews.</p> <p>9 Q. All right.</p> <p>10 A. Do you want their children's name, also?</p> <p>11 Q. No. Any other relatives other than Crews?</p> <p>12 A. Harlan.</p> <p>13 Q. H-A-R-L-A-N?</p> <p>14 A. Uh-huh. (Positive response.)</p> <p>15 Q. Give me their names.</p> <p>16 A. Crews.</p> <p>17 Q. Oh, Harlan Crews?</p> <p>18 A. Uh-huh. (Positive response.)</p> <p>19 Q. Oh, I thought you meant the last name was</p> <p>20 Harlan.</p> <p>21 A. No, that's the first name. Sorry.</p> <p>22 Q. Do you have any other relatives in</p> <p>23 southeastern Alabama with a last name other</p>	<p>1 counties like Russell County, Lee County,</p> <p>2 Macon County, counties in that general</p> <p>3 region and around. Chambers. Do you have</p> <p>4 any other relatives in those counties?</p> <p>5 A. No, sir.</p> <p>6 Q. You were telling me about the McCraines</p> <p>7 What McCraines live in this part of</p> <p>8 Alabama?</p> <p>9 A. I think there's a lot of them, but I don't</p> <p>10 know them all.</p> <p>11 Q. Just give me the adults, the ones that,</p> <p>12 let's say, are over 19 years of age that</p> <p>13 you can remember right now.</p> <p>14 A. Joan and Merlin McCraine.</p> <p>15 Q. Okay.</p> <p>16 A. Scott McCraine.</p> <p>17 Q. Is that your husband?</p> <p>18 A. It is.</p> <p>19 Q. Okay.</p> <p>20 A. Romy McCraine.</p> <p>21 Q. His husband?</p> <p>22 A. That's his father's brother. That's his</p> <p>23 uncle.</p>



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1 Tiffany McCraine. Drew McCraine.  
 2 Q. Okay.  
 3 A. Christy McCraine.  
 4 Q. All right. Any other last names you can  
 5 give me, relatives by blood or marriage?  
 6 A. No, sir. I think that pretty much covers  
 7 them.  
 8 Q. Does Jason Warren have relatives in this  
 9 general area?  
 10 A. He does.  
 11 Q. Who are his parents?  
 12 A. Jeannie Warren. I think it's Welch now.  
 13 Q. Where does she live?  
 14 A. Buena Vista, Georgia.  
 15 Q. Who do you know that lives in Alabama  
 16 that's related to Jason Warren?  
 17 A. John and Christy Warren.  
 18 Q. Any others that are close, let's say, to  
 19 him?  
 20 A. Michael Warren. That's his son.  
 21 Q. How old is Michael?  
 22 A. He's probably 16, 17 years old now. I'm  
 23 not sure.

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1 Q. Just give me the ones over 19.  
 2 A. Okay. That's it.  
 3 Q. Where does Jeannie Warren Welch work?  
 4 A. Skyline Electric.  
 5 Q. How about John and/or Christy Warren?  
 6 Where do they work?  
 7 A. I don't know where Christy works. I think  
 8 John works for Tallapoosa Power.  
 9 Q. Does your mother work?  
 10 A. No, she does not.  
 11 Q. Gladys Crews. Does Gladys Crews work?  
 12 A. She does.  
 13 Q. Where does she work?  
 14 A. Alabama CCH.  
 15 Q. What is that?  
 16 A. It's a tax business.  
 17 Q. Karl Crews, does he work?  
 18 A. You could say he does. They have a store  
 19 on 165 in Alabama.  
 20 Q. Is that close to a town?  
 21 A. It's Bluff Creek. They call it Bluff  
 22 Creek.  
 23 Q. Okay. How about Katrina? Are Katrina, Ray

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1 and Julie, are they all over 19 years of  
 2 age?  
 3 A. Yes.  
 4 Q. Does Katrina work to your knowledge?  
 5 A. No.  
 6 Q. Does Ray?  
 7 A. Yes.  
 8 Q. Where does he work?  
 9 A. At the ir store.  
 10 Q. All right. How about Julie?  
 11 A. At the ir store.  
 12 Q. Is it like a little general store?  
 13 A. Yes, sir, and a restaurant.  
 14 Q. What's the name of the restaurant?  
 15 A. Country Kitchen.  
 16 Q. How about Joan and Merlin McCraine? I know  
 17 where Joan works. How about Merlin?  
 18 A. I'm not --  
 19 Q. I guess Joan is still at Total Systems.  
 20 A. Total Systems.  
 21 I'm not sure of the name that Merlin  
 22 works at. It's kind of like Airgas, but  
 23 it's a different company.

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1 Q. It's not Airgas?  
 2 A. No.  
 3 Q. But it's a company like Airgas?  
 4 A. Right.  
 5 Q. How about Ronny? Where does he work?  
 6 A. I don't know.  
 7 Q. Tiffany, do you know where Tiffany or Drew  
 8 work?  
 9 A. AFLAC. I think they both work at AFLAC if  
 10 I'm not mistaken.  
 11 Q. In Columbus?  
 12 A. Yes.  
 13 Q. And Christy?  
 14 A. McCraine?  
 15 Q. Yes.  
 16 A. She works at a day care, Central -- Kids  
 17 Central.  
 18 Q. Where is that?  
 19 A. It's on Summerville Road.  
 20 Q. In what town?  
 21 A. Alabama. Phenix City.  
 22 Q. Let's go to the Websters. Mary Webster.  
 23 A. She doesn't work.

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<p>1 Q. How about Mark and/or Robin?</p> <p>2 A. Mark owns a business, Webster Electric.</p> <p>3 Q. Where is that? What town?</p> <p>4 A. It's in Phenix City.</p> <p>5 Q. Does Robin work?</p> <p>6 A. Total Systems.</p> <p>7 Q. Mary Ellen Brooks?</p> <p>8 A. She doesn't work.</p> <p>9 Q. Robert Brooks?</p> <p>10 A. He does, but I'm not sure where.</p> <p>11 Q. I saw you kind of smile when you said their</p> <p>12 names. Any significance to that?</p> <p>13 A. No.</p> <p>14 Q. I thought you smiled and looked over across</p> <p>15 the table, but there's no significance to</p> <p>16 that?</p> <p>17 A. No.</p> <p>18 Q. It's just me. Don't worry about it. I'm a</p> <p>19 little crazy.</p> <p>20 Allen and Vickie Webster?</p> <p>21 A. Allen works for a -- I think it's kind of</p> <p>22 like a temporary agency. He fills --</p> <p>23 through his agency fills positions for</p>	<p>1 Q. Now, I know that you have provided a number</p> <p>2 of documents to me yesterday, which I</p> <p>3 appreciate it. And you did that pursuant</p> <p>4 to a deposition notice which has changed a</p> <p>5 few times.</p> <p>6 (Defendant's Exhibit 1 was marked</p> <p>7 for identification.)</p> <p>8 Q. I want to show you a copy of your</p> <p>9 deposition notice. And I'm marking it as</p> <p>10 Defendant's Exhibit Number 1 to your</p> <p>11 deposition. It's entitled Notice of Second</p> <p>12 Amended Deposition Duces Tecum.</p> <p>13 Would you take a look at that and tell</p> <p>14 me if you have ever seen that before.</p> <p>15 MR. NIX: Jennifer, while she's</p> <p>16 reading that, it occurred to</p> <p>17 me last night that we'd need</p> <p>18 to get a written response to</p> <p>19 the request for production</p> <p>20 from you --</p> <p>21 MS. COOLEY: Okay.</p> <p>22 MR. NIX: -- if that's all right.</p> <p>23 Just the regular response.</p>
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<p>1 companies.</p> <p>2 Q. What's the name of the agency?</p> <p>3 A. I'm not real sure.</p> <p>4 Q. Where is it?</p> <p>5 A. I think it's in Columbus.</p> <p>6 Q. All right. This deposition, Ms. Wright, is</p> <p>7 being taken pursuant to the Federal Rules</p> <p>8 of Civil Procedure. And under those rules,</p> <p>9 you have the right to get a copy of this</p> <p>10 deposition when Ms. Nix completes it and</p> <p>11 read it and -- for any typographical errors</p> <p>12 or anything like that or whatever and sign</p> <p>13 it, approving it, or you may waive that</p> <p>14 right and trust that the court reporter,</p> <p>15 Ms. Nix, gets everything down right.</p> <p>16 Which would you prefer to do? Do you</p> <p>17 want to read and sign your deposition or do</p> <p>18 you want to waive reading and signing?</p> <p>19 A. Waive it. That's fine, unless my</p> <p>20 attorneys ...</p> <p>21 MR. NIX: Is that all right?</p> <p>22 MS. COOLEY: (Nods head up and</p> <p>23 down.)</p>	<p>1 Typically -- and I think</p> <p>2 this is what the rules</p> <p>3 require. What we try to do is</p> <p>4 number our documents when we</p> <p>5 produce them and then refer to</p> <p>6 that number when we respond to</p> <p>7 a specific request.</p> <p>8 I don't know if that's</p> <p>9 required or not to be honest</p> <p>10 with you, but it makes it</p> <p>11 easier for me, anyway. But, I</p> <p>12 mean, that's not something you</p> <p>13 have to do. I'm just telling</p> <p>14 you that's what I --</p> <p>15 But what I do want to</p> <p>16 know when you go through the</p> <p>17 request -- when you do the</p> <p>18 written response, if you don't</p> <p>19 mind, is when you produce all</p> <p>20 of the documents that relate</p> <p>21 to it, you know, that type</p> <p>22 thing -- there may be some</p> <p>23 additional or whatever, if</p>

<p style="text-align: right;">Page 33</p> <p>1 that's all right with you.</p> <p>2 MS. COOLEY: Okay.</p> <p>3 Q. Have you seen that deposition notice</p> <p>4 before, Ms. Wright?</p> <p>5 A. It looks like the same thing I've seen.</p> <p>6 Q. Okay.</p> <p>7 A. But it looks like there's added -- I don't</p> <p>8 remember it being so long.</p> <p>9 Q. Okay. There is a request for production of</p> <p>10 documents that's being copied right now</p> <p>11 that is a different document, but it is</p> <p>12 shorter because it doesn't have this</p> <p>13 preface right here. It's not much shorter,</p> <p>14 but it's a little shorter. This is thick</p> <p>15 paper, but -- as soon as that comes in,</p> <p>16 I'll show that to you.</p> <p>17 But what I would like to do, and your</p> <p>18 lawyers may be able to help me with this,</p> <p>19 I'd like to establish either by just your</p> <p>20 looking at the two, the duces tecum and the</p> <p>21 notice and the request for production, that</p> <p>22 they are the same or that they request the</p> <p>23 same documents item for item.</p>	<p style="text-align: right;">Page 35</p> <p>1 they may have some additional documents or</p> <p>2 whatever, but let's look at number one.</p> <p>3 It asks for all documents, including</p> <p>4 doctor's notes, reports, statements,</p> <p>5 invoices, bills, insurance claims and</p> <p>6 records for medical payment for any claim</p> <p>7 you make for emotional distress or damages</p> <p>8 of any kind in this case.</p> <p>9 Are you claiming emotional distress as</p> <p>10 an element of damages in this case?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Have you been to a doctor or a hospital or</p> <p>13 any other -- a counselor, psychologist,</p> <p>14 psychiatrist for emotional distress as a</p> <p>15 result of the things that you say happened</p> <p>16 in this case?</p> <p>17 A. No, sir.</p> <p>18 Q. So would it be correct to say that you do</p> <p>19 not have and documents do not exist that</p> <p>20 meet these specifications, like doctor's</p> <p>21 notes or statements or bills or insurance</p> <p>22 claims or records related to any treatment</p> <p>23 or diagnosis for emotional distress? They</p>
<p style="text-align: right;">Page 34</p> <p>1 MR. NIX: Can y'all stipulate that</p> <p>2 they are the same, the request</p> <p>3 for production of documents</p> <p>4 and the duces tecum and the</p> <p>5 notice of the deposition are</p> <p>6 the same item for item? Can</p> <p>7 y'all --</p> <p>8 MS. COOLEY: (Nods head up and</p> <p>9 down.)</p> <p>10 MR. DUMBUYA: We will stipulate to</p> <p>11 it.</p> <p>12 MR. NIX: Thank you. That helps a</p> <p>13 lot.</p> <p>14 Q. Let me give you that back and let's take a</p> <p>15 look at it. This is my goal, Ms. Wright.</p> <p>16 I want to go through these real quickly if</p> <p>17 we can and just talk about them briefly.</p> <p>18 The main thing I really want to know is,</p> <p>19 have you provided all of the documents that</p> <p>20 are requested. Okay?</p> <p>21 And your lawyers, of course, have also</p> <p>22 provided some documents, and they -- I</p> <p>23 don't know. It's possible, I guess, that</p>	<p style="text-align: right;">Page 36</p> <p>1 do not exist, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Because you have not had any treatment,</p> <p>4 correct?</p> <p>5 A. No treatment.</p> <p>6 Q. And then what other damages are you</p> <p>7 claiming in this case?</p> <p>8 A. Lost wages, humiliation.</p> <p>9 Q. All right. Lost wages, humiliation.</p> <p>10 A. I mean, that was my livelihood. I didn't</p> <p>11 get to sit for my boards. Therefore,</p> <p>12 there's been lost wages, there's been</p> <p>13 humiliation, positions that I could not</p> <p>14 apply for because I'm an LPN, not an RN.</p> <p>15 Q. What else? Any other damages that you</p> <p>16 claim in the case or anything for which you</p> <p>17 claim damages?</p> <p>18 A. Would that be like attorneys' fees that I'm</p> <p>19 having to --</p> <p>20 Q. If that's part of your damage claim. I</p> <p>21 can't tell you what you're claiming, but if</p> <p>22 that's a part of your damage claim, that's</p> <p>23 the type thing I want to know.</p>



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<p>1 A. Attorneys' fees, because, I mean, that's</p> <p>2 damage to me.</p> <p>3 Q. And I assume expenses as well?</p> <p>4 A. Yes.</p> <p>5 Q. Is that right?</p> <p>6 A. Expenses.</p> <p>7 Q. Expenses of the lawsuit. Anything else?</p> <p>8 A. Not that I can think of at this moment.</p> <p>9 Q. As we go through this deposition, would</p> <p>10 you -- if you remember anything else, would</p> <p>11 you stop and tell me about it?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And then there's another place in the</p> <p>14 deposition where I'll ask you some more</p> <p>15 questions, give you another opportunity to</p> <p>16 talk about them. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. Now, you say that you've lost wages. Have</p> <p>19 you been working as an LPN?</p> <p>20 A. I have.</p> <p>21 Q. Were you working as an LPN while you were</p> <p>22 in school at Chattahoochee Valley Community</p> <p>23 College in their nursing program, their</p>	<p>1 Q. So in May of 2005, were you working as an</p> <p>2 RN?</p> <p>3 A. No.</p> <p>4 Q. I'm sorry. As an LPN.</p> <p>5 A. LPN.</p> <p>6 Q. And you were working at Doctors Hospital?</p> <p>7 A. Yes.</p> <p>8 Q. Were you working on an as-needed basis at</p> <p>9 that time?</p> <p>10 A. Yes.</p> <p>11 Q. Have you always worked on an as-needed</p> <p>12 basis as an LPN?</p> <p>13 A. No.</p> <p>14 Q. Have you worked full-time as an LPN?</p> <p>15 A. Yes.</p> <p>16 Q. When was that?</p> <p>17 A. 2002 I think.</p> <p>18 Q. Right after you graduated?</p> <p>19 A. (Witness nods head up and down.)</p> <p>20 Q. Yes?</p> <p>21 A. Yes.</p> <p>22 Q. With respect to being an LPN, do you have</p> <p>23 to sit for boards --</p>
Page 38	Page 40
<p>1 Nursing Mobility Program to receive an RN?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Where were you working as an LPN?</p> <p>4 A. Doctors Hospital p.r.n. That's on an</p> <p>5 as-needed basis, when I had time to go in</p> <p>6 and work.</p> <p>7 Q. Doctors Hospital?</p> <p>8 A. Uh-huh. (Positive response.)</p> <p>9 Q. Is that in Columbus?</p> <p>10 A. It is.</p> <p>11 Q. When did you first start school at CVCC in</p> <p>12 their Nursing Mobility Program?</p> <p>13 A. RN or LP --RN?</p> <p>14 Q. RN.</p> <p>15 A. I think I started in 2005. Was it 2005?</p> <p>16 Q. Do you remember the month?</p> <p>17 A. It was May. May of 2005.</p> <p>18 Q. Do you have any documents that would</p> <p>19 refresh your recollection as to when you</p> <p>20 started?</p> <p>21 A. No, I don't, except I looked back at my</p> <p>22 transcript to see the dates. I think it</p> <p>23 was May of 2005.</p>	<p>1 A. Yes.</p> <p>2 Q. -- to receive a license to be an LPN?</p> <p>3 A. Yes.</p> <p>4 Q. And those are given by the Alabama Board of</p> <p>5 Nursing; is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Can you work in a Georgia hospital with an</p> <p>8 Alabama license?</p> <p>9 A. No.</p> <p>10 Q. So you had to sit for the Georgia board as</p> <p>11 well?</p> <p>12 A. No, sir. It was -- I took my boards and</p> <p>13 then I applied for my Georgia license, kind</p> <p>14 of like grandfathered in.</p> <p>15 Q. Reciprocal agreement?</p> <p>16 A. Yes.</p> <p>17 Q. When you first started working at Doctors</p> <p>18 Hospital --</p> <p>19 That is where you first started, right?</p> <p>20 A. Right.</p> <p>21 Q. Is that the only place you've worked as an</p> <p>22 LPN?</p> <p>23 A. No.</p>

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<p>1 Q. Who at Doctors Hospital did you work for 2 when you first started to work there? 3 A. Gertrude. I don't know what her last name 4 is. 5 Q. What was her job? 6 A. She was the manager over med-surge. 7 Q. And this would have been in -- after you 8 got your license in 2002; is that correct? 9 A. Correct. 10 Q. And was this the first job you had after 11 you got your license as an LPN? 12 A. Yes. I worked as a tech on the floor once 13 I graduated. 14 Q. Until you got your license? 15 A. Right. 16 Q. What was your job at Doctors Hospital in 17 the med-surge -- 18 A. As a nurse? 19 Q. -- in the -- well, yes, as a nurse, as an 20 LPN? 21 A. As an LPN, floor nurse. 22 Q. You were a floor nurse on a floor of the 23 hospital? You were not in the medical --</p>	<p>1 A. Vital signs, bathing, providing linens 2 ice, whatever the patient needed. 3 Q. Now, you said you have worked somewhere 4 else as an LPN -- 5 A. Correct. 6 Q. -- other than Doctors Hospital. Where is 7 that? 8 A. St. Francis. 9 Q. And St. Francis is in Columbus, too? 10 A. Columbus. 11 Q. Do you still work at St. Francis? 12 A. No, sir. 13 Q. When did you work at St. Francis? 14 A. I think it was November of 2000 ... I 15 worked there for about six months. It was 16 '03 or '04 -- I think it was '04 until 17 April or -- March or April of '05. I think 18 it was April of '05. 19 Q. Why did you leave St. Francis? 20 A. Because I was pregnant and starting the RN 21 Mobility Program at CVCC. 22 Q. When did you have the child that you were 23 pregnant with in April of 2005?</p>
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<p>1 you were not actually, for example, 2 assigned to a surgical team or a surgical 3 suite or the surgical part of the hospital 4 where they perform surgery? 5 A. No. 6 Q. You were on a floor? 7 A. On a floor. 8 Q. And that was under Gertrude? 9 A. Correct. 10 Q. Have you ever worked at any other jobs at 11 Doctors Hospital other than being on the 12 floor as an LPN? 13 A. No. 14 Q. Now, when you were a tech, how long were 15 you a tech? 16 A. About a year. 17 Q. What did you do as a tech? 18 A. Patient care, bathing, basically running 19 errands for the patient, communicating with 20 the nurses. 21 Q. You would do more menial chores? Would 22 that be a good way to describe what you did 23 as a tech?</p>	<p>1 A. I had him in June of '05. 2 Q. Was your pregnancy normal? 3 A. Yes. 4 Q. Who is your OB-GYN doctor? 5 A. It was Melissa Flynn. 6 Q. Where is Melissa Flynn? 7 A. She's in Columbus, Georgia. 8 Q. F-L-Y? 9 A. Uh-huh. (Positive response.) N-N. 10 Q. Do you have a general doctor anywhere? 11 A. Miranda Edwards. 12 Q. Where is Miranda Edwards? 13 A. Columbus, Georgia. 14 Q. What kind of doc is she? 15 A. Family practice. 16 Q. Do you have any other doctors? 17 A. No, sir -- yes, I do. Steven Leichter. 18 He's an endocrinologist. 19 Q. Spell his name if you would. Is it P-H on 20 Steven or V? 21 A. V. I think it's L-I-E-T-C-H-N-E-R. I 22 think that's it. 23 Q. And he's an endocrinologist?</p>

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<p>1 A. He is.</p> <p>2 Q. What do you see him for?</p> <p>3 A. Thyroid.</p> <p>4 Q. I saw a reference to Synthroid in some of</p> <p>5 the documents. Do you take Synthroid?</p> <p>6 A. I do.</p> <p>7 Q. How long have you been taking Synthroid?</p> <p>8 A. Ten -- between ten and 12 years.</p> <p>9 Q. And you said Steven Leichter is in</p> <p>10 Columbus, also?</p> <p>11 A. Correct.</p> <p>12 Q. Any other doctors that you have?</p> <p>13 A. No, sir.</p> <p>14 Q. All right. Now, you did what job at</p> <p>15 St. Francis?</p> <p>16 A. Med nurse.</p> <p>17 Q. What is a med nurse?</p> <p>18 A. Give the patients their medications when</p> <p>19 it's time.</p> <p>20 Q. Is that all you did?</p> <p>21 A. No. I helped the other floor nurses with</p> <p>22 patient care.</p> <p>23 Q. Tell me what's involved in being a med</p>	<p>1 and they only get a half a tab, then pretty</p> <p>2 much you figure out that that's 250</p> <p>3 milligrams and you'd break the tablet in</p> <p>4 half. But that's not a medication that we</p> <p>5 would normally do that with. That's just</p> <p>6 an example.</p> <p>7 Q. How about on IVs?</p> <p>8 A. That pretty much came up from the pharmacy,</p> <p>9 but if there was a discrepancy in the order</p> <p>10 from the doctor and the pharmacy, then you</p> <p>11 would call the pharmacy and question them.</p> <p>12 Q. Is that a matter of doing a calculation?</p> <p>13 A. No. Basically when you're out on the</p> <p>14 floor, it's given. The doctor gives the</p> <p>15 order, and that's pretty much what it is so</p> <p>16 you really don't have to calculate when</p> <p>17 you're on the floor.</p> <p>18 Q. The pharmacy does whatever calculation is</p> <p>19 necessary for the IV bag or whatever?</p> <p>20 A. Right.</p> <p>21 Q. What other types of calculation figuring</p> <p>22 does a med nurse have to do on medications?</p> <p>23 A. That's pretty much it. You just have to</p>
Page 46	Page 48
<p>1 nurse and giving patients their medication.</p> <p>2 A. Educating them on the medications they're</p> <p>3 getting, hanging IV fluids, antibiotics</p> <p>4 through a --</p> <p>5 (Brief interruption.)</p> <p>6 Q. Go ahead.</p> <p>7 A. Hanging IV fluids, antibiotics, anything</p> <p>8 that was prescribed by the doctor to give</p> <p>9 the patient and educate them on the</p> <p>10 medications if they didn't understand.</p> <p>11 Q. Did you as a med nurse have to make</p> <p>12 calculations about the medications --</p> <p>13 A. Sometimes.</p> <p>14 Q. Sometimes?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Can you explain to me what that means?</p> <p>17 I've seen a reference to that, but I really</p> <p>18 don't know what is involved in it.</p> <p>19 A. In med calculations?</p> <p>20 Q. Right.</p> <p>21 A. Well, there's -- in school, they teach you</p> <p>22 formulas, but it's not that difficult. If</p> <p>23 the doctor orders 500 milligrams of Vicodin</p>	<p>1 know what you're giving to the patient so</p> <p>2 you can explain to them what they're</p> <p>3 getting if they have questions, and there</p> <p>4 was always reference books if you</p> <p>5 didn't ...</p> <p>6 Q. Well, you mentioned that in school, they</p> <p>7 teach you formulas. What do you mean by</p> <p>8 that?</p> <p>9 A. Formulas? How to calculate the amount of</p> <p>10 drug needed to be given was the question</p> <p>11 that they gave in school. I mean, they</p> <p>12 would give you a question and it would</p> <p>13 say -- an example would be, I guess, if you</p> <p>14 had somebody with Tylenol, give them 1,000</p> <p>15 milligrams of Tylenol and the order calls</p> <p>16 for 500, how many tablets would you give?</p> <p>17 Q. That's it? It's just that simple; is that</p> <p>18 right?</p> <p>19 A. Some of them are. The IV were different.</p> <p>20 IV calculations were a little different.</p> <p>21 There's different formulas. I don't know</p> <p>22 them right off the top of my head.</p> <p>23 Q. But you studied those is what you're</p>

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<p style="text-align: right;">Page 49</p> <p>1 telling me in school, right?</p> <p>2 A. We did.</p> <p>3 Q. And as a med nurse at a hospital, I assume</p> <p>4 you're expected to know those formulas, are</p> <p>5 you not?</p> <p>6 A. Yes.</p> <p>7 Q. And that would be true for St. Francis</p> <p>8 Hospital when you were a med nurse at</p> <p>9 St. Francis, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And therefore, of course, you knew those</p> <p>12 formulas at that time, correct, when you</p> <p>13 were at St. Francis?</p> <p>14 A. Correct.</p> <p>15 Q. So the formulas taught in school are no</p> <p>16 different really than the formulas that</p> <p>17 you're required to know as a med nurse --</p> <p>18 or were required to know as a med nurse in</p> <p>19 November of 2004 when you were a med nurse</p> <p>20 at St. Francis, right?</p> <p>21 A. Right.</p> <p>22 Q. Who was your supervisor at St. Francis?</p> <p>23 A. Shirley Stanford.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. You got your license, didn't you, in 2002,</p> <p>2 your LPN license?</p> <p>3 A. I think it might have been 2003. I'm not</p> <p>4 real sure of the date because I waited</p> <p>5 about a year. I waited about a year, I</p> <p>6 think.</p> <p>7 Q. You're saying that after you graduated from</p> <p>8 CVCC as an LPN candidate for the boards,</p> <p>9 you waited a year before you took the</p> <p>10 boards?</p> <p>11 A. No. I took the boards a few months</p> <p>12 after -- I think maybe in December I took</p> <p>13 the boards.</p> <p>14 Q. When would you have graduated?</p> <p>15 A. August. The LPN program was August.</p> <p>16 Q. That would be the graduation time?</p> <p>17 A. Uh-huh. (Positive response.)</p> <p>18 Q. Okay.</p> <p>19 A. I think 2002.</p> <p>20 Q. And you took the licensing test or the</p> <p>21 boards in December of '02?</p> <p>22 A. Yeah, December of '02.</p> <p>23 Q. December 2002. Do you have to go to</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Is she still there?</p> <p>2 A. She is.</p> <p>3 Q. What was her title?</p> <p>4 A. She was the manager over 3 South and 3</p> <p>5 North.</p> <p>6 Q. She was the nursing manager --</p> <p>7 A. Uh-huh. (Positive response.)</p> <p>8 Q. -- or the med nurse manager?</p> <p>9 A. She was the nursing manager.</p> <p>10 Q. Okay. How were you hired at St. Francis?</p> <p>11 What process did you go through?</p> <p>12 A. Through human resources and filling out an</p> <p>13 application and taking a test. I think</p> <p>14 it's kind of like a personality test.</p> <p>15 Q. Okay.</p> <p>16 A. Interview process and hired.</p> <p>17 Q. And how were you hired at Doctors</p> <p>18 Hospital? The same type process?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Let's see. You worked at Doctors Hospital</p> <p>21 in 2002 as an LPN after you got your</p> <p>22 license; is that right?</p> <p>23 A. After I got my license.</p>	<p style="text-align: right;">Page 52</p> <p>1 Montgomery to do that?</p> <p>2 A. Yes.</p> <p>3 Q. You do?</p> <p>4 A. Uh-huh. (Positive response.)</p> <p>5 Q. And you go to the Board of Nursing to do</p> <p>6 that?</p> <p>7 A. No, it was a testing site.</p> <p>8 Q. Was December 2002 the first opportunity you</p> <p>9 had to take the licensing exam after you</p> <p>10 graduated as an LPN in August?</p> <p>11 A. No, I'm sure it wasn't the first</p> <p>12 opportunity, but it was the first date that</p> <p>13 I scheduled.</p> <p>14 Q. Why did you wait?</p> <p>15 A. No reason.</p> <p>16 Q. And were you working at that time as a</p> <p>17 tech?</p> <p>18 A. I was.</p> <p>19 Q. Do you remember when you first started</p> <p>20 working as a tech at Doctors Hospital?</p> <p>21 A. I think maybe in November of that same</p> <p>22 year, 2002. I didn't work right away.</p> <p>23 Q. You worked as a tech in November of '02 for</p>

<p style="text-align: right;">Page 53</p> <p>1 the first time you think --</p> <p>2 A. I think so.</p> <p>3 Q. -- at Doctors Hospital?</p> <p>4 I don't know why, but I thought you</p> <p>5 said you worked for about a year as a tech.</p> <p>6 A. Correct.</p> <p>7 Q. So even though you took the boards in</p> <p>8 December '02, you continued to work on as a</p> <p>9 tech for a year after November '02 when you</p> <p>10 first started, right?</p> <p>11 A. Correct.</p> <p>12 Q. Did you pass the LPN licensing test on the</p> <p>13 first try?</p> <p>14 A. No.</p> <p>15 Q. How do they grade that or how do they</p> <p>16 determine whether you pass?</p> <p>17 A. I think that it's on maybe a cumulative,</p> <p>18 how many questions you get right. I'm not</p> <p>19 real sure.</p> <p>20 Q. Do you remember what your score was?</p> <p>21 A. No, they don't give a score. It's</p> <p>22 pass/fail.</p> <p>23 Q. They just told you you failed, right?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Uh-huh. (Positive response.)</p> <p>2 Q. What is --</p> <p>3 A. A mentor.</p> <p>4 Q. All right. So you had to work with a</p> <p>5 mentor --</p> <p>6 A. Correct.</p> <p>7 Q. -- for about six weeks you said?</p> <p>8 A. Somewhere between six to eight weeks.</p> <p>9 Q. Who was your mentor?</p> <p>10 A. Jan Lackey.</p> <p>11 Q. What job did you do with your mentor?</p> <p>12 A. Nursing.</p> <p>13 Q. Floor nurse?</p> <p>14 A. Floor nurse.</p> <p>15 Q. The same job that you eventually did as an</p> <p>16 LPN; is that right?</p> <p>17 A. Right.</p> <p>18 Q. So sometime around November 2003, you</p> <p>19 started as an LPN at Doctors Hospital, and</p> <p>20 then about a year later, you began working</p> <p>21 at St. Francis; am I right?</p> <p>22 A. Correct.</p> <p>23 Q. Am I right?</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Yes.</p> <p>2 Q. So after you took it in December 2002, when</p> <p>3 did you take it again?</p> <p>4 A. Close to that year mark between tech and</p> <p>5 LPN. I'm not sure the exact date.</p> <p>6 Q. So if you became a tech in November 2002 at</p> <p>7 Doctors Hospital, sometime around November</p> <p>8 2003 is when you took the LPN licensing</p> <p>9 exam for the second time?</p> <p>10 A. Somewhere around there I think. I'm not</p> <p>11 real sure. I'm not sure of the date.</p> <p>12 Q. Did you pass it the second time?</p> <p>13 A. Yes, I did.</p> <p>14 Q. So after you passed the LPN exam, were you</p> <p>15 automatically moved up in your job at</p> <p>16 Doctors Hospital to work as an LPN?</p> <p>17 A. Yes. You had to precept with somebody for</p> <p>18 about six to eight weeks.</p> <p>19 Q. What is precept?</p> <p>20 A. Work alongside of a seasoned nurse.</p> <p>21 Q. Did you say precept?</p> <p>22 A. Yeah, it's like precepting with --</p> <p>23 Q. P-R-E-C-E-P-T?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Correct.</p> <p>2 Q. Now, at Doctors Hospital, let's say, in</p> <p>3 November 2003 when you began working as an</p> <p>4 LPN, did you work on an as-needed basis?</p> <p>5 A. At Doctors Hospital still or -- can you</p> <p>6 repeat that question, please.</p> <p>7 Q. In November 2003, maybe October, but</p> <p>8 sometime in that time frame, you began</p> <p>9 working as an LPN at Doctors Hospital,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. When you began working as an LPN at Doctors</p> <p>13 Hospital, did you work on an as-needed</p> <p>14 basis?</p> <p>15 A. No.</p> <p>16 Q. So you would call that a full-time basis?</p> <p>17 A. Yes, sir.</p> <p>18 Q. How many hours a week did you work?</p> <p>19 A. Anywhere from 36 to 40 plus hours.</p> <p>20 Q. How much did you make? Were you paid on an</p> <p>21 hourly basis?</p> <p>22 A. Hourly basis.</p> <p>23 Q. How much did you make?</p>



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<p style="text-align: right;">Page 57</p> <p>1 A. I think it was 11, \$11 and some change.  2 I'm not real sure the exact amount.  3 Q. And that's an hour; is that right?  4 A. Yes, sir.  5 Q. And did you get benefits of any kind?  6 A. Yes.  7 Q. What were they?  8 A. Medical, dental.  9 Q. Any other benefits?  10 A. No, sir. Vacation, time off, sick time.  11 Q. Did the hospital pay 100 percent of the  12 premium for the medical and dental  13 coverage?  14 A. No.  15 Q. How did that work?  16 A. You have to pay a portion.  17 Q. Do you remember the portion you had to pay?  18 A. No.  19 Q. Do you remember about how much money it was  20 a month?  21 A. No, I don't. I mean, I don't remember.  22 Q. Now, did you work at Doctors Hospital on a  23 full-time basis from about November 2003 as</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Do you think that's correct, that you chose  2 to go on an as-needed basis in 2004 in  3 October, November sometime?  4 A. I think it was October 2004.  5 Q. Why did you choose to go on an as-needed  6 basis?  7 A. I took another position with some doctors  8 that used to come into the hospital for  9 about three months, and then I went to  10 St. Francis.  11 Q. Explain that to me. Okay?  12 A. I started working with gastroenterologists.  13 Q. Did you do that work with the  14 gastroenterologists at the hospital or --  15 A. No, sir, it was in their office.  16 Q. Who were these doctors?  17 A. A. D. and P. H. Patel.  18 Q. A. D. and P. H. Patel. Were they in  19 Columbus?  20 A. Yes, sir.  21 Q. Are they still practicing in Columbus?  22 A. Yes, sir.  23 Q. Were you still making about \$11 and change</p>
<p style="text-align: right;">Page 58</p> <p>1 an LPN all the way up to the time that you  2 took the job at St. Francis as a med nurse?  3 A. No, I worked p.r.n. some at the very end.  4 Q. Okay. So at the beginning of your LPN work  5 at Doctors, you worked full-time, but then  6 at some point in time later, they switched  7 you to as-needed?  8 A. That was my choice.  9 Q. Do you recall about when you switched?  10 A. Maybe October of 2003 or four. I'm not  11 real sure of the exact date.  12 Q. It would have to be four because you  13 started working as an LPN at Doctors  14 Hospital around November 2003. Am I right  15 about that?  16 A. Yes.  17 Q. And so that if you worked for some period  18 of time at Doctors Hospital on a full-time  19 basis and you chose to switch to an  20 as-needed basis later and it was in the  21 November time frame, October, November time  22 frame, it would have been 2004, right?  23 A. I think so.</p>	<p style="text-align: right;">Page 60</p> <p>1 per hour at Doctors Hospital when you went  2 to work for the Patels?  3 A. No, I think it was \$15. I think it was \$15  4 an hour.  5 Q. And how much did you make with the Patels?  6 A. I think maybe \$12.  7 Q. Twelve?  8 A. I think so.  9 Q. Well, I must have misunderstood you. Did  10 you tell me that you went on an as-needed  11 basis with Doctors Hospital because you  12 started working with the Patels?  13 A. Yeah, that's why. Yes, sir.  14 Q. So I guess I don't understand why you would  15 go from a \$15 an hour full-time job to a  16 \$15 an hour part-time job on an as-needed  17 basis to a \$12 an hour part-time job.  18 A. No. The doctors' office was full-time. The  19 hospital was as-needed.  20 Q. Why did you do that?  21 A. A change, to come out of the hospital and  22 get experience in an office.  23 Q. That's the only reason?</p>

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<p>1 A. The only reason.</p> <p>2 Q. The hospital did not ask you to move on?</p> <p>3 A. No.</p> <p>4 Q. Were you having any kind of problems at the</p> <p>5 hospital -- at Doctors Hospital at the time</p> <p>6 you took the job with the Patels?</p> <p>7 A. No.</p> <p>8 Q. What did you do for the Patels?</p> <p>9 A. Assisted with procedures in their -- they</p> <p>10 had a procedure room in the back of their</p> <p>11 office. I assisted the doctors with that</p> <p>12 and helped with the patients that came in</p> <p>13 and out to get them ready for the</p> <p>14 procedures and after the procedures.</p> <p>15 Q. Tell me what you did to assist.</p> <p>16 A. Started IVs.</p> <p>17 Q. Started IVs?</p> <p>18 A. Started IVs in the beginning. When the</p> <p>19 patient first came in, I started IVs and</p> <p>20 would hang fluids and then just wait for</p> <p>21 the doctor to --</p> <p>22 There were different people in that</p> <p>23 procedure room that would help, and you</p>	<p>1 Q. Is that right?</p> <p>2 I'm sorry. Were you through?</p> <p>3 A. Uh-huh. (Positive response.)</p> <p>4 Q. Did you do anything else other than that</p> <p>5 when you worked in that part of the</p> <p>6 operation? The front end is what I guess</p> <p>7 you would say.</p> <p>8 A. Take vital signs.</p> <p>9 Q. When you started IVs, what were they?</p> <p>10 A. What do you mean?</p> <p>11 Q. What was in them?</p> <p>12 A. Normal saline.</p> <p>13 Q. Just establishing an open line?</p> <p>14 A. Yes, sir.</p> <p>15 Q. No meds in those?</p> <p>16 A. No, sir.</p> <p>17 Q. And you took vitals and, I guess, recorded</p> <p>18 all of that --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- in the record; is that right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. All right. Was there any way you knew from</p> <p>23 day to day whether you would be working on</p>
Page 62	Page 64
<p>1 didn't do the same procedure every time.</p> <p>2 Sometimes you would help get the patient</p> <p>3 ready. Sometimes you would go in with the</p> <p>4 doctor to do the procedure. Sometimes you</p> <p>5 would be on the back end and sit with the</p> <p>6 patient, take their vital signs after they</p> <p>7 came out of the procedure because an RN was</p> <p>8 in the procedure room giving medications to</p> <p>9 sedate.</p> <p>10 Q. Did you ever work with the Patels in the</p> <p>11 procedure room?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What did you do while you were in the</p> <p>14 procedure room working for them?</p> <p>15 A. Assist the doctor with the scopes.</p> <p>16 Q. Did you administer any medication in the</p> <p>17 procedure room?</p> <p>18 A. No.</p> <p>19 Q. Did not?</p> <p>20 A. No, sir.</p> <p>21 Q. Now, you indicated before that when people</p> <p>22 would come in, you would start IVs.</p> <p>23 A. Correct.</p>	<p>1 the front end or in the procedure room or</p> <p>2 the back end at the Patels'?</p> <p>3 A. No, sir.</p> <p>4 Q. They would just tell you when you went in</p> <p>5 that day; is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Was there, like, a person there who</p> <p>8 determined where everybody would be for the</p> <p>9 day?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Who was that?</p> <p>12 A. Jean Patterson.</p> <p>13 Q. With a J?</p> <p>14 A. I think so.</p> <p>15 Q. J-E-A-N?</p> <p>16 A. Yes.</p> <p>17 Q. Jean Patterson. What qualifications did</p> <p>18 she have?</p> <p>19 A. She was an RN.</p> <p>20 Q. Do you know if she still works there?</p> <p>21 A. I do not know.</p> <p>22 Q. Do you know where she lives?</p> <p>23 A. No, sir.</p>

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1 Q. Does she live in Columbus? Does she live  
2 in --  
3 A. I think she lives in Columbus.  
4 Q. How many nurses worked at the Patels' when  
5 you worked there?  
6 A. Three.  
7 Q. Jean Patterson was one of them?  
8 A. Correct.  
9 Q. You were one of them?  
10 A. Correct.  
11 Q. Who was the third?  
12 A. Her first name is Mandy. I'm not real sure  
13 what the last name is. I can't remember  
14 right now.  
15 Q. Was she an LPN?  
16 A. No, sir. She was an RN.  
17 Q. You were the only LPN?  
18 A. Correct.  
19 Q. Now, when you went into the procedure room,  
20 all you did was help with the scopes?  
21 That's the only job you did?  
22 A. Correct.  
23 Q. And what did you do or what would you do to

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1 Q. Who else would have --  
2 A. They had techs.  
3 Q. Okay. How many techs worked there?  
4 A. Two possibly. I think two maybe, two other  
5 people.  
6 Q. Why did you leave the Patels?  
7 A. The office was a little slow compared to  
8 where I came, so that's why I went back to  
9 the hospital work.  
10 Q. When you say the office was a little slow,  
11 what do you mean?  
12 A. Slow-paced. Hospital work is a little  
13 faster pace.  
14 Q. So when was it that you left the Patels,  
15 Ms. Wright?  
16 A. I worked there for about three months,  
17 so ...  
18 Q. Did you ever get a raise there?  
19 A. No, sir.  
20 Q. Did you get benefits there at the Patels'?  
21 A. No, I wasn't there long enough.  
22 Q. So you did not have medical or dental,  
23 right?

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1 help with the scopes?  
2 A. Just hold the scope for the doctor. And  
3 there's a guidewire that they insert into  
4 those scopes sometimes, and you help with  
5 that.  
6 Q. Then you worked also on the back end of  
7 that operation?  
8 A. Yes, sir.  
9 Q. What did you do on the back end?  
10 A. I'd receive the patients out of the  
11 procedure room and take their vital signs,  
12 make sure that they were coming out of  
13 their sedation correctly. If there was  
14 nausea and vomiting, you would get the  
15 nurse to give them medication.  
16 Q. Okay. How long did you monitor those  
17 patients before they could leave?  
18 A. I think it was usually 30 minutes to an  
19 hour, depending on how well they did.  
20 Q. Would it be correct to say that you were  
21 the only monitoring nurse in the recovery  
22 room when you worked in the recovery room?  
23 A. No.

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1 A. No, sir.  
2 Q. I'm trying to figure out when this -- how  
3 this lines up with your marriage to Scott  
4 McCraine.  
5 A. We were not married at that time.  
6 Q. And you had no children?  
7 A. No, sir.  
8 Q. Where were you living in that time frame?  
9 A. With my mom.  
10 Q. All right. So you say that the Patels'  
11 office was a little slow, so you wanted to  
12 get back into something a little bit more  
13 fast-paced; is that right?  
14 A. Right.  
15 Q. Did you apply back at Doctors Hospital?  
16 A. I was still there p.r.n.  
17 Q. Did you go back full-time at Doctors  
18 Hospital?  
19 A. No.  
20 Q. Did you stay on at Doctors Hospital as  
21 needed?  
22 A. As needed.  
23 Q. So where all did you apply?



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1 A. St. Francis.  
2 Q. That's the only place?  
3 A. Yes, sir.  
4 Q. And we've already talked about what you did  
5 there, I believe.  
6 How much did they pay you at  
7 St. Francis?  
8 A. I think \$12.50 maybe.  
9 Q. And how long? You said six months, you  
10 think, at St. Francis?  
11 A. I think it was about six months.  
12 Q. Were you still working at Doctors Hospital  
13 on an as-needed basis during the time that  
14 you worked at St. Francis?  
15 A. Yes, sir.  
16 Q. How much were you making on an as-needed  
17 basis?  
18 A. At Doctors Hospital?  
19 Q. Yes. I'm sorry. Yes.  
20 A. I think about \$15 an hour.  
21 Q. So the same rate of pay that you made while  
22 you were full-time?  
23 A. No. When I was full-time at Doctors?

1 week with the Patels, and 24 hours a week  
2 at the hospital, Doctors Hospital?  
3 A. Not all the time.  
4 Q. Can you explain that to me or describe it?  
5 A. I only went to Doctors Hospital when they  
6 called and asked, said we need some help,  
7 can you come over and help us out a few  
8 hours. Maximum, maybe 24 hours.  
9 Q. That's max, is 24?  
10 A. Max, maybe.  
11 Q. Well, what I had asked you is how many  
12 hours per week on an average would you work  
13 at Doctors Hospital when you worked there  
14 on an as-needed basis.  
15 A. Anywhere between eight and 24 hours.  
16 Q. When you worked at St. Francis, how many  
17 hours on an average did you work at Doctors  
18 on an as-needed basis?  
19 A. Four to 12, and that's not weekly. I mean,  
20 that was just -- it wasn't a weekly deal.  
21 I didn't go to Doctors Hospital every week,  
22 only when they called and needed somebody.  
23 Q. Well, what does four to 12 mean? I'm not

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1 Q. Right.  
2 A. I didn't make \$15 an hour.  
3 Q. Oh, I thought you said you had gotten a  
4 raise from your original pay of, like, 11  
5 and change to 15 bucks at Doctors.  
6 A. Full-time pay is not the same as p.r.n.  
7 pay. The rates are different.  
8 Q. All right. So you did not get a raise at  
9 Doctors Hospital?  
10 A. When I went p.r.n., they paid more.  
11 Q. So p.r.n. or an as-needed nurse gets a  
12 higher rate of pay; is that right?  
13 A. Correct.  
14 Q. How many hours a week on an average week  
15 would you work at Doctors Hospital when you  
16 were there on an as-needed basis?  
17 A. Maybe 24.  
18 Q. How many hours a week did you work at the  
19 Patels' office while you were working  
20 there? And that was a full-time job,  
21 wasn't it?  
22 A. That was 40 hours a week.  
23 Q. And so you were working about 40 hours a

1 sure I understand.  
2 A. In a week that they called, they could have  
3 called twice. They could have needed me  
4 for a four-hour shift. They could have  
5 needed me for an eight-hour shift.  
6 Q. It was random?  
7 A. It was random.  
8 Q. It was just random?  
9 A. Random.  
10 Q. There was no way to predict what it would  
11 be?  
12 A. No.  
13 Q. Now, you indicated, I think, to me that you  
14 left St. Francis around early April '05 or  
15 maybe late March '05 because you were  
16 pregnant and you started in the RN program;  
17 am I --  
18 A. Correct.  
19 Q. -- right about that?  
20 And you told me, I think, that you had  
21 that baby in June of '05.  
22 A. Correct.  
23 Q. After you had the baby, did you go back to

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1 St. Francis?  
2 A. No.  
3 Q. No, you did not?  
4 A. No.  
5 Q. Were you working anywhere after you left  
6 St. Francis around late March, early April  
7 2005?  
8 A. Doctors Hospital.  
9 Q. And was that on this as-needed basis?  
10 A. Yes.  
11 Q. And that was random? You had no way to  
12 predict how many hours that would be?  
13 A. Yes.  
14 Q. When they called you, were there times  
15 after your baby was born that you could not  
16 go, could not work?  
17 A. When I was in school.  
18 Q. Okay.  
19 A. Because I had him while I was in the RN  
20 program.  
21 Q. Right. You're right. And that's what I'm  
22 really asking, is after you had your baby  
23 in June 2005 -- and, of course, at that

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1 time, you were in the RN program -- there  
2 were times when you could not accommodate  
3 Doctors Hospital when they called you to  
4 come and work on an as-needed basis; is  
5 that right?  
6 A. Correct.  
7 Q. How long did you stay in this particular  
8 situation after June of 2005 where you had  
9 a new baby -- or you had a baby and you  
10 were working on an as-needed basis at  
11 Doctors Hospital? How long did that job  
12 situation last?  
13 A. I think I quit working for them sometime --  
14 sometime in 2005, I stopped working for  
15 them.  
16 Q. Why did you stop?  
17 A. School.  
18 Q. So at that point, you had no job  
19 whatsoever, right?  
20 A. Right.  
21 Q. You have no idea about what month it was  
22 that you stopped?  
23 A. It was sometime I think during that second

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1 semester of RN school.  
2 Q. Can you give me a judgment as to what month  
3 in 2005 that would be?  
4 A. I don't know the month.  
5 Q. Can you give me any landmark or time mark,  
6 an occurrence or something, an event that  
7 happened or that you can attach your  
8 quitting the as-needed work to?  
9 A. Maybe September, October. I'm not real  
10 sure what month it was.  
11 Q. And you can't think of any event or  
12 occurrence or any particular thing that  
13 happened or -- that just happened to occur  
14 about the same time you quit at Doctors?  
15 A. No, sir.  
16 Q. How did you quit at Doctors?  
17 A. It was a p.r.n. basis. So that was my  
18 decision to go in or not. If they would  
19 call and say can you come in, I could tell  
20 them no, and that's fine. And then --  
21 Q. Go ahead.  
22 A. I mean, I'm sure I eventually told them  
23 that I was not going to be able to work

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1 while in school.  
2 Q. And you think -- for some reason, you think  
3 it was August, September, in that time  
4 frame of 2005?  
5 A. Maybe so. I'm not real sure of the date.  
6 Q. At that time, who was your supervisor at  
7 Doctors Hospital?  
8 A. Marie Redden.  
9 Q. Do you know if she's still at the hospital?  
10 A. She is.  
11 Q. What department does she work in?  
12 A. She works med-surge, 4th floor.  
13 Q. Where does she live?  
14 A. I think she lives in Harris County, which  
15 is in Columbus.  
16 Q. All right. Did you work at all after you  
17 decided not to go in anymore at Doctors  
18 Hospital and up until the point you stopped  
19 going to school at CVCC?  
20 A. I think I might have worked one or two days  
21 when I was pregnant with my second child.  
22 Q. So, basically, no is the answer, correct?  
23 A. (Witness nods head up and down.)

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<p>1 Q. Is that right? Basically, you did not work 2 the whole rest of the time you were in 3 school at CVCC; is that right? 4 A. One or two days. 5 Q. Where did you work in those one or two 6 days? 7 A. Doctors Hospital. 8 Q. This was your first child in June of '05? 9 A. Yes, sir. 10 Q. And so you had another child -- when was 11 that child born? Let's see. You tell me. 12 A. July 7th of '06. 13 Q. Of '06. Were you still in school at that 14 time? 15 A. Yes, sir. 16 Q. You were? 17 A. When he was born -- 18 Q. Right. 19 A. -- or when I got pregnant? 20 Q. When he was born. 21 A. No. 22 Q. You said July? 23 A. July.</p>	<p>1 and going to May. 2 A. Yes. 3 Q. Took a full load; is that right? 4 A. I mean, I don't know if it was a full load 5 or not. It was the nursing courses that 6 were required to be taken. 7 Q. And you made a D in how many of the courses 8 you were taking in that semester? 9 A. In? 10 Q. In the spring semester of 2006. 11 A. Would that be the last semester or -- 12 Q. Yes. 13 A. The last semester? 14 Q. Yes. 15 A. I made a D in one course. 16 Q. What course? 17 A. Pediatrics. 18 Q. Do you know the number of it? 19 A. I think it was 272. 20 Q. 272? 21 A. I think so. 22 Q. All right. And who taught it? 23 A. Lynn Harris.</p>
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<p>1 Q. Of '06? 2 A. Uh-huh. (Positive response.) 3 Q. Yes? 4 A. Yes. 5 Q. 2006, born. When did you last attend 6 school at CVCC? 7 A. May of '06. 8 Q. Can you tell me how that occurred that you 9 stopped going to school at CVCC? 10 A. That was the end of the nursing program. 11 Q. Okay. Had you taken any courses in the 12 spring semester of 2006 -- 13 A. In the spring -- 14 Q. -- at CVCC in the nursing program? 15 A. I can't remember how it falls. I think May 16 is in summer, so I think -- if I'm thinking 17 correctly, then, yes, I did, because that 18 would be before summer. 19 Q. Right. It would be. 20 Did you take a full load of classes in 21 that spring semester of 2006? 22 A. If ... 23 Q. I call that starting sometime in January</p>	<p>1 Q. And you did not make a D initially in any 2 other course in the spring semester? 3 A. I'm trying to think how these semesters 4 fall and get my dates -- 5 Q. January to May is what I believe is the 6 spring semester, so January to May of '06. 7 MR. NIX: Am I right? 8 DR. BLACKWELL: (Nods head up and 9 down.) 10 Q. So January to May of '06 is the spring 11 semester. That would be your last semester 12 at CVCC. 13 A. Right. 14 Q. Didn't make a D in any other courses? 15 A. No. 16 Q. Didn't have a grade changed from a D to a C 17 in that semester, correct? 18 A. No, not in that semester. 19 Q. In the semester before that, you did? 20 A. Correct. 21 Q. And that would be the fall semester of 22 2005. 23 A. Correct.</p>

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<p>1 Q. Which begins sometime in August if I'm not 2 mistaken; am I right about that? Do you 3 remember that? 4 A. Yes. 5 Q. So August -- let's just say August to mid 6 December of 2005, you made how many D's in 7 that semester? 8 A. They told me that I made two D's. 9 Q. When you say they, who are you talking 10 about? 11 A. Lynn Harris and Tawyna Cash. 12 Q. Now, Lynn Harris was an instructor in the 13 fall semester. You made a D in her class, 14 correct? 15 A. Correct. 16 Q. What class was that? 17 A. That was adult nursing. 18 Q. Do you remember the number of that? 19 A. I think that was 252. 20 Q. 252. And then Tawyna Cash, what did she 21 teach? 22 A. OB. 23 Q. And you made a D in that one?</p>	<p>1 Q. Tell me the significance of making a D in a 2 course there at CVCC in their nursing 3 program, their RN program. 4 A. That's a failure. 5 Q. In most schools, an F is a failure. Why is 6 it that a D is a failure in that program at 7 CVCC? 8 A. That's their qualifications. 9 Q. That's just what they set; is that what 10 you're saying? 11 A. I think so. 12 Q. You knew that, correct? 13 A. Correct. 14 Q. You knew that from the very beginning of 15 your RN work there? 16 A. Correct. 17 Q. Now, with regard to NUR 271, which was 18 obstetrics -- 19 A. Yes, sir. 20 Q. -- Tawyna Cash taught that. You say you 21 appealed that D; is that right? 22 A. Correct. 23 Q. What was the basis of that appeal?</p>
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<p>1 A. Correct. 2 Q. Do you know the number of that? 3 A. I think it was 271. 4 Q. All right. Did the D that you made in 5 Tawyna Cash's class, OB, which was NUR 271, 6 did that D stay a D on your record? 7 A. No, sir. 8 Q. It did not? 9 A. No, sir. 10 Q. Why not? 11 A. They changed it to a C. 12 Q. Who's they? 13 A. Dixie Peterson and Dean Lowe. 14 Q. Why did they do that? 15 A. We went through the grade appeal process, 16 and I was told by Dixie that Tawyna Cash 17 did not turn in paperwork that she was 18 supposed to turn in at the end of that 19 grade appeal process, so it was under her 20 discretion to change that D to a C. 21 Q. So Dixie Peterson and Dean Lowe changed the 22 D to a C in NUR 271, correct? 23 A. Correct.</p>	<p>1 A. The basis of that appeal was there was no 2 instructor the first five weeks of class. 3 When reviewing test questions and thinking 4 about -- when talking with other classmates 5 and talking about the tests that she had 6 given, it was obvious that some of the 7 questions were not -- the answers that she 8 chose were -- I'm not saying that they were 9 wrong, but the answers I chose were not 10 wrong either. 11 So there was a lot of communication 12 going on in the class about her test 13 questions and how the tests were given, so 14 I asked to review all my grades, all my 15 tests. 16 Q. That's an interesting situation. You're 17 saying that on this test -- or on the 18 tests, plural, that Tawyna Cash gave, you 19 determined or learned somehow or whatever 20 that the answers -- 21 Did she have what's called an answer 22 key? 23 A. I'm sure she did.</p>

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<p>1 Q. Was it a multiple choice type of test?</p> <p>2 A. It's a Scantron, yes.</p> <p>3 Q. What's a Scantron? I'm not sure I know</p> <p>4 what that is.</p> <p>5 A. It's a thin sheet with A, B, C, D, E, F</p> <p>6 And it was multiple choice questions, and</p> <p>7 you read the question and pick the correct</p> <p>8 answer.</p> <p>9 Q. And then you darken --</p> <p>10 A. Darken it.</p> <p>11 Q. With a pencil?</p> <p>12 A. Yes, sir.</p> <p>13 Q. So it's a multiple choice?</p> <p>14 A. Correct.</p> <p>15 Q. Now, and what you're saying is that Tawyna</p> <p>16 Cash developed the test and determined the</p> <p>17 correct answers to the questions or the</p> <p>18 multiple choice questions?</p> <p>19 A. As far as I know.</p> <p>20 Q. And that while you made-- you might have</p> <p>21 made a failing grade in that test or those</p> <p>22 tests, you determined that the answer that</p> <p>23 you gave was correct even though the answer</p>	<p>1 more.</p> <p>2 She asked me after that one question</p> <p>3 that she changed from wrong to right, are</p> <p>4 we going to do this -- are we going to keep</p> <p>5 on doing this? I said, yes, ma'am, we are</p> <p>6 because these are my grades.</p> <p>7 Q. You were going over the final with Tawyna</p> <p>8 Cash, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Was this in December of 2005?</p> <p>11 A. Yes, sir, I think so.</p> <p>12 Q. Was it at the school?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Where did y'all meet?</p> <p>15 A. In the nursing office, in her office.</p> <p>16 Q. Did you have a copy of your final exam?</p> <p>17 A. No, sir. She provided those.</p> <p>18 Q. She provided what, now?</p> <p>19 A. She brought the tests to the school.</p> <p>20 She -- I had to contact her at home, and</p> <p>21 she brought the tests and things to the</p> <p>22 school.</p> <p>23 Q. Tests and things, what do you mean tests</p>
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<p>1 that Tawyna Cash gave was also correct. Am</p> <p>2 I hearing you right?</p> <p>3 A. Well, I never told her that her answers</p> <p>4 were incorrect. I told her that my answer</p> <p>5 is not incorrect because I had nursing</p> <p>6 books that had my answer as well as hers,</p> <p>7 so ...</p> <p>8 Q. You never told Tawyna Cash that her answers</p> <p>9 were incorrect, the answers that she used</p> <p>10 as the correct answers, right? You never</p> <p>11 told her they were not right?</p> <p>12 A. Right.</p> <p>13 Q. But what I want to know is, are you saying</p> <p>14 that they were not right, that Tawyna</p> <p>15 Cash's answers to those multiple choice</p> <p>16 questions were not right?</p> <p>17 A. Some of those were not right.</p> <p>18 Q. Okay. How many out of how many tests?</p> <p>19 A. We only went over my final -- well, I think</p> <p>20 we did go over all of them, but my final</p> <p>21 was the one that was in question at the</p> <p>22 very end, and we only went over one test</p> <p>23 question and she refused to go over any</p>	<p>1 and things?</p> <p>2 A. Any kind of papers that were graded. We</p> <p>3 didn't get to keep our tests or our graded</p> <p>4 papers. They took them back up and kept</p> <p>5 them.</p> <p>6 Q. She brought the test -- only the final,</p> <p>7 right, because that's all you went over?</p> <p>8 A. I think, if I remember correctly, we may</p> <p>9 have gone over some of the tests or gone</p> <p>10 through the Scantron, but that final was</p> <p>11 the one that we concentrated on. And we</p> <p>12 only got to one question, and she wouldn't</p> <p>13 go over any more questions because -- I</p> <p>14 don't know why. She just wouldn't.</p> <p>15 Q. When you say you may have gone through the</p> <p>16 other tests --</p> <p>17 A. Uh-huh. (Positive response.)</p> <p>18 Q. Yes?</p> <p>19 A. Yes.</p> <p>20 Q. That was in that same meeting --</p> <p>21 A. Yes, sir.</p> <p>22 Q. -- in that one meeting?</p> <p>23 Did she bring all of the tests with her</p>



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1 when she came to meet with you in December?  
 2 A. I don't know if she did or not. I just  
 3 know she brought a box in with some of my  
 4 work.  
 5 Q. But you think you went over some of the  
 6 earlier tests before the final that were  
 7 given during the semester; is that right?  
 8 A. Right.  
 9 Q. So those tests would have had a question  
 10 and then it would have had your Scantron  
 11 document, correct?  
 12 A. Correct.  
 13 Q. How did y'all go over those? Did you  
 14 look -- both of you have a copy of the  
 15 question -- multiple choice question and  
 16 the Scantron?  
 17 A. I think that we were using one and she  
 18 was -- I mean, we were sitting at arm's  
 19 length at a desk.  
 20 Q. So y'all were looking on together?  
 21 A. Yes, sir.  
 22 Q. And y'all would go through each question --  
 23 A. Yes.

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1 Q. -- or just the wrong questions?  
 2 A. Just the wrong questions.  
 3 Q. So y'all would -- you would select the  
 4 answers that you wrote down wrong according  
 5 to her grading, correct?  
 6 A. Uh-huh. (Positive response.)  
 7 Q. And you would talk about those, right?  
 8 A. Yes.  
 9 Q. All right. You had someone with you,  
 10 didn't you?  
 11 A. Someone with me?  
 12 Q. Yes.  
 13 A. With Tawyna Cash?  
 14 Q. Yes.  
 15 A. No.  
 16 Q. So it was just you and Tawyna Cash?  
 17 A. Yes.  
 18 Q. So you and Tawyna Cash at this meeting in  
 19 December of 2005 were sitting down close to  
 20 one another, looking at the multiple choice  
 21 questions and your Scantron paper, right?  
 22 A. Right.  
 23 Q. Talking about the semester test and the

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1 answers you chose that were marked  
 2 incorrect, right?  
 3 A. Right.  
 4 Q. Now, how many of those, Ms. Wright, did you  
 5 contest; in other words, how many of those  
 6 did you say to Tawyna Cash about your  
 7 answer is wrong or my answer is right?  
 8 A. Well, we only got to one because she  
 9 refused to go over any more.  
 10 Q. But I'm talking about the semester tests,  
 11 the tests that were given during the  
 12 semester as opposed to the final exam.  
 13 A. We went over the final first.  
 14 Q. In other words, are you saying now that you  
 15 did not go over any of the tests that were  
 16 given during the semester?  
 17 A. As far as going over the tests, going over  
 18 the Scantron saying this is the answer I  
 19 chose and just going down the Scantron  
 20 saying A, D, B, B, D, A, or whatever.  
 21 Q. I'm not sure I understand what you meant  
 22 then.  
 23 A. Not reading the question and saying, okay,

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1 this is the answer I chose, this is the  
 2 rationale. That was never done.  
 3 Q. You're talking about on the --  
 4 A. Just to make sure that the Scantron  
 5 didn't -- when they run it through the  
 6 machine did not mess up.  
 7 Q. I've got you. So what you did with the  
 8 semester tests was you compared the answers  
 9 that she had marked incorrect that you had  
 10 made to her key?  
 11 A. Correct.  
 12 Q. And just to make sure that however it was  
 13 graded was done accurately; is that right?  
 14 A. Correct.  
 15 Q. And so there was no discussion about those  
 16 questions?  
 17 A. No.  
 18 Q. No discussion about her key?  
 19 A. No.  
 20 Q. No discussion about whether your answer on  
 21 those tests was right and her answer was  
 22 wrong?  
 23 A. No.

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<p>1 Q. Were there answers that were on her key for</p> <p>2 any of those tests, were there any of those</p> <p>3 answers that she had determined that were</p> <p>4 correct, were any of those wrong or did you</p> <p>5 contest her answer to any of those</p> <p>6 semester --</p> <p>7 A. On the final.</p> <p>8 Q. But not on the tests given during the</p> <p>9 semester? You didn't contest any of those?</p> <p>10 A. In the classroom?</p> <p>11 Q. Did you contest in the classroom? I'm</p> <p>12 talking about --</p> <p>13 A. Yes, sir.</p> <p>14 Q. -- at any time.</p> <p>15 A. Yes, sir.</p> <p>16 Q. Did Tawyna Cash give out her semester --</p> <p>17 how should we say it? What do you call</p> <p>18 those exams, the ones given during the</p> <p>19 semester? Just an exam?</p> <p>20 A. An exam.</p> <p>21 Q. We'll call those exams, and we'll call the</p> <p>22 final the final. Okay?</p> <p>23 So during the exams, did Tawyna Cash go</p>	<p>1 her grade book.</p> <p>2 Q. So that's all anybody got to see was just</p> <p>3 the grade, correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. When an exam was given by Tawyna Cash</p> <p>6 during the semester, would everyone have a</p> <p>7 copy of the multiple choice questions to</p> <p>8 take the exam with?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And then everyone would have a Scantron in</p> <p>11 order to mark the answers, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And at the end of that process, would the</p> <p>14 actual test with the multiple choice</p> <p>15 questions be handed back in by the</p> <p>16 students?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And so would the Scantron cards, correct?</p> <p>19 A. Correct.</p> <p>20 Q. On the test, when you received a test with</p> <p>21 the multiple choice questions on it in</p> <p>22 Tawyna Cash's class, did you put your name</p> <p>23 or your ID number or any identifying mark</p>
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<p>1 over the exams in class?</p> <p>2 A. No.</p> <p>3 Q. How did you begin talking to her or anyone</p> <p>4 about the fact that she had the wrong</p> <p>5 answer on the key or that her answer was</p> <p>6 right, but so was yours?</p> <p>7 A. Because people in the classroom would</p> <p>8 question her as well as myself, and she</p> <p>9 refused to go over anything with us in the</p> <p>10 classroom because it was always an argument</p> <p>11 with someone in the classroom. There was</p> <p>12 always something going on.</p> <p>13 Q. Okay.</p> <p>14 A. She refused to go over the tests in class.</p> <p>15 Q. When you got a grade on an exam in Tawyna</p> <p>16 Cash's class, 271, NUR 271 --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- when you took a test and you got your</p> <p>19 grade, would she hand out the papers or did</p> <p>20 she just give you the grade?</p> <p>21 A. She would give us the grade. If my memory</p> <p>22 is correct, she would have us come up and</p> <p>23 let us look and see what our grade was in</p>	<p>1 on that test?</p> <p>2 A. I'm not sure if we did in her class or</p> <p>3 not. I'm really not sure. I don't</p> <p>4 remember.</p> <p>5 Q. That's a practice, though, isn't it, that</p> <p>6 schools use, is for a student to -- if they</p> <p>7 get a test that's going to be taken back</p> <p>8 up, they'll make some identifying mark on</p> <p>9 it in accordance with what the teacher</p> <p>10 tells them to do or the professor tells</p> <p>11 them to do if the teacher tells them to do</p> <p>12 so? You're familiar with that practice,</p> <p>13 aren't you?</p> <p>14 A. Yes, sir.</p> <p>15 Q. So everybody turned their test back in at</p> <p>16 the conclusion of it?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Along with the Scantron?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So I guess I'm at a loss to understand how</p> <p>21 students could contest her answers if they</p> <p>22 didn't have the test subsequent to turning</p> <p>23 it in, didn't have the Scantron and didn't</p>

<p style="text-align: right;">Page 97</p> <p>1 have her key. How would they do that?</p> <p>2 A. Talk amongst each other because they</p> <p>3 remembered the test questions. As soon as</p> <p>4 the test was over, people would start</p> <p>5 talking about, what did you get for this</p> <p>6 question? Do you remember that question?</p> <p>7 They would say, well, I don't think</p> <p>8 that's right. And then people would open</p> <p>9 their books and look through their books to</p> <p>10 see if they could find a specific answer</p> <p>11 for any test question that they could</p> <p>12 remember.</p> <p>13 Q. Did you do that? Did you participate in</p> <p>14 those discussions?</p> <p>15 A. Yes, sir.</p> <p>16 Q. I still don't know, though. I mean, how</p> <p>17 did the class know what her key was?</p> <p>18 A. They didn't -- what do you mean know what</p> <p>19 her key was?</p> <p>20 Q. Well, she had to have taken that test</p> <p>21 herself or when she created the test, the</p> <p>22 multiple choice test, she had to have</p> <p>23 selected the correct answer to give that</p>	<p style="text-align: right;">Page 99</p> <p>1 response. I'm not doing that, because it</p> <p>2 was always an argument. People would start</p> <p>3 fussing in the classroom. And that would</p> <p>4 be the end of that. You can schedule time</p> <p>5 with me, and we can go over test questions.</p> <p>6 Q. How did the person who disagreed with</p> <p>7 Tawyna Cash know what Tawyna Cash</p> <p>8 determined to be the right answer on a</p> <p>9 particular question?</p> <p>10 A. I don't know. I don't know.</p> <p>11 Q. I mean, did Tawyna Cash after an exam tell</p> <p>12 everybody what all the right answers were?</p> <p>13 A. I don't remember her doing that.</p> <p>14 Q. Did Tawyna Cash after she gave an exam</p> <p>15 during the semester go over the exam</p> <p>16 afterwards and say here is the right answer</p> <p>17 on that, here is the right answer on that</p> <p>18 and go down it and tell everybody what the</p> <p>19 right answers were?</p> <p>20 A. I think she might have once or twice going</p> <p>21 through, but not reading the question and</p> <p>22 just calling out the A, B, C, or D for</p> <p>23 whatever question.</p>
<p style="text-align: right;">Page 98</p> <p>1 answer on the test to whoever was going to</p> <p>2 grade the Scantron, however that's done,</p> <p>3 whether by computer or by a person; isn't</p> <p>4 that right?</p> <p>5 A. Correct.</p> <p>6 Q. Well, how did y'all know her answers? How</p> <p>7 did you know Tawyna Cash's answers on those</p> <p>8 exams?</p> <p>9 A. Nobody knew those answers.</p> <p>10 Q. So there's no way anyone could have made a</p> <p>11 contest of the type you're describing, is</p> <p>12 there?</p> <p>13 A. Yeah, you can raise a question in the</p> <p>14 classroom and say, Ms. Cash, we -- you had</p> <p>15 a question on there about mother/baby,</p> <p>16 and -- do you breast feed, does that bring</p> <p>17 the baby closer to the mother or whatever</p> <p>18 that question may be. You can ask those</p> <p>19 questions to her and say, well, I think</p> <p>20 this answer that you -- you know, this</p> <p>21 answer is correct that's in the book, but</p> <p>22 you said this answer was correct.</p> <p>23 I'm not going over anything was her</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Tell me how she would do that. How would</p> <p>2 she do that?</p> <p>3 A. I'm not sure. If I remember correctly,</p> <p>4 there might have been once or twice that</p> <p>5 she did give a test back and read the</p> <p>6 answer -- I mean the A, B, C or D, not read</p> <p>7 the -- A is whatever she had written behind</p> <p>8 A, read off the letters on the Scantron.</p> <p>9 Q. If I remember correctly, she might have one</p> <p>10 or two times. That was your answer.</p> <p>11 A. Right.</p> <p>12 Q. So, I mean, Ms. Wright, are you sure she</p> <p>13 did that?</p> <p>14 A. I'm trying to remember. I mean, it's been</p> <p>15 a long time.</p> <p>16 Q. Well, this is your lawsuit.</p> <p>17 A. I know it is.</p> <p>18 Q. And you filed it, right?</p> <p>19 A. Right.</p> <p>20 Q. I need to know what happened in the class.</p> <p>21 Did Tawyna Cash get the test and go over it</p> <p>22 and tell everybody what the right answers</p> <p>23 were during the semester?</p>



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<p>1 A. I think, yes she did. I think she did.</p> <p>2 Q. For every test?</p> <p>3 A. I'm not sure if it was every test.</p> <p>4 Q. Can you tell me how many tests she did that</p> <p>5 for?</p> <p>6 A. Maybe two, three. I'm not real sure. I'm</p> <p>7 not even sure how many tests we had</p> <p>8 anymore.</p> <p>9 Q. Are you saying that you're sure she did</p> <p>10 that, but -- because you still say I think</p> <p>11 instead of -- you don't -- you're not</p> <p>12 saying I know she did that, right?</p> <p>13 A. Can I have a minute and let me try and</p> <p>14 think?</p> <p>15 Q. Absolutely. Yes, ma'am.</p> <p>16 A. Because, I mean, it's been over two years.</p> <p>17 I think she did.</p> <p>18 Q. You think she did?</p> <p>19 A. I'll say she did.</p> <p>20 Q. How many tests did she go over in the</p> <p>21 class?</p> <p>22 A. Two to three.</p> <p>23 Q. When she did this, Ms. Wright, did she go</p>	<p>1 Q. How did you find out what your grade was on</p> <p>2 the final in Ms. Cash's class?</p> <p>3 A. I think I called her or she -- I'm not</p> <p>4 sure. She was not a full-time employee</p> <p>5 there, and she wasn't available all the</p> <p>6 time. And I can't recall if she came in</p> <p>7 and gave us those grades or if she called</p> <p>8 us.</p> <p>9 Q. Okay.</p> <p>10 A. But one way or the other, she told me what</p> <p>11 my grade was.</p> <p>12 Q. She didn't post it on a board by social</p> <p>13 security number or anything? She would</p> <p>14 actually tell you, hey, Lindy, you made</p> <p>15 whatever on --</p> <p>16 A. Right.</p> <p>17 Q. Now, when you went in to talk to her about</p> <p>18 the final exam, tell me exactly what was</p> <p>19 said to the best of your knowledge and</p> <p>20 recollection.</p> <p>21 A. When I did the grade appeal? Because she</p> <p>22 wasn't available to talk to until the grade</p> <p>23 appeal.</p>
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<p>1 down and do every question on the test?</p> <p>2 A. As far as reading the question and</p> <p>3 saying --</p> <p>4 Q. And the right answer.</p> <p>5 A. No, she would not. She would say, number</p> <p>6 one, A; number two, B; number three, C.</p> <p>7 Would not read the question, tell you the</p> <p>8 answer and give a rationale behind that.</p> <p>9 Q. She would not read the question. She would</p> <p>10 not go through the possible choices and</p> <p>11 tell you why --</p> <p>12 A. This was wrong and why this was right, no.</p> <p>13 Q. She would just go number one is A, number</p> <p>14 two is C and that type thing?</p> <p>15 A. Correct.</p> <p>16 Q. Talk to me about the final exam. All</p> <p>17 right?</p> <p>18 A. Okay.</p> <p>19 Q. The final exam was a multiple choice exam,</p> <p>20 correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And it had a Scantron as well, correct?</p> <p>23 A. Correct.</p>	<p>1 Q. So you could not talk to Ms. Cash, and</p> <p>2 therefore you filed a grade appeal?</p> <p>3 A. Correct.</p> <p>4 Q. Then after you filed the grade appeal, you</p> <p>5 and Ms. Cash sat down in her office and</p> <p>6 met, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And she brought with her the test and the</p> <p>9 Scantron, right?</p> <p>10 A. Correct.</p> <p>11 Q. And y'all were sitting close together?</p> <p>12 A. Uh-huh. (Positive response.)</p> <p>13 Q. Going over the questions?</p> <p>14 A. Correct.</p> <p>15 Q. And just tell me what happened.</p> <p>16 A. We got to the first question, and I pointed</p> <p>17 out in a book the answer that I chose was</p> <p>18 right there in black and white. And she</p> <p>19 agreed and she said, okay, I'll change that</p> <p>20 one.</p> <p>21 We flipped to the next one, and I said,</p> <p>22 and this one right here -- she said, are we</p> <p>23 going to do this with all of them? I said,</p>

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1 yes, ma'am, we are, because these are my  
2 grades.  
3 Q. On number one, question number one--  
4 A. I don't know if it was question number one  
5 or what question it was. I know it was the  
6 first question that we came to on the test  
7 that was wrong, that she had marked wrong.  
8 Q. All you did was go over the ones that she  
9 had marked wrong?  
10 A. Wrong.  
11 Q. I've got you. So whichever number that  
12 was -- you don't remember what number that  
13 was?  
14 A. No, I don't.  
15 Q. So you got to the first one on the test  
16 that she had marked wrong?  
17 A. Uh-huh. (Positive response.)  
18 Q. And you said to her, my answer was right?  
19 Is that what you said?  
20 A. And this is what page it's in in this book.  
21 Q. Huh?  
22 A. I said, this is what page it's in in this  
23 book.

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1 Q. What book are you talking about?  
2 A. It was the OB book that we were using. I  
3 don't know the name of it -- now I don't.  
4 Q. Did you look up the answer on any other  
5 questions on the final exam in a different  
6 book?  
7 A. Yes, sir.  
8 Q. Can you tell me which books, the name of  
9 all the books?  
10 A. I don't know the name of -- I don't know  
11 the name and author of the books, no.  
12 Q. How did you do that? How did you find the  
13 books and look for the right answers to the  
14 questions -- the multiple choice questions  
15 that Ms. Cash put on the final exam?  
16 A. It wasn't the exact question that she put  
17 on the final exam. It was what I could  
18 remember from taking that test --  
19 Q. Okay.  
20 A. -- in general.  
21 Q. All right. So you pulled other sources,  
22 other books on obstetrics; is that right?  
23 A. Uh-huh. (Positive response.)

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1 Q. Yes?  
2 A. I think there was two books.  
3 Q. You pulled other books on obstetrics,  
4 right?  
5 A. Right.  
6 Q. And you used your own memory with regard to  
7 what had been asked on the test, right?  
8 A. Not just mine. I mean, there was other  
9 students that -- when we were trying to  
10 recall the test questions.  
11 Q. When was this, now?  
12 A. Before I had to go in to talk with her  
13 about the grade appeal and review the  
14 test.  
15 Q. Why did y'all do that? I mean, why did  
16 y'all get together and try to recall the  
17 test questions after the final?  
18 A. Because those were my grades, and they were  
19 saying that I made a D. I wasn't satisfied  
20 with a D because I knew that some of the  
21 questions that we had -- that I had  
22 answered I had seen in the books, and the  
23 answer that I chose was some of the answers

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1 in the book or ... some of the things that  
2 I read in nursing books.  
3 Q. Was this an actual sit-down type of thing  
4 where you got with other students and tried  
5 to remember questions on the final?  
6 A. No.  
7 Q. How did that work?  
8 A. Just talking.  
9 Q. In person?  
10 A. Uh-huh. (Positive response.)  
11 Q. Yes?  
12 A. Yes.  
13 Q. Didn't talk to anybody on the phone?  
14 A. Sometimes.  
15 Q. Who did you speak with about that?  
16 A. Any test questions?  
17 Q. On that final that Tawyna Cash gave.  
18 A. Crystal Love.  
19 Q. Okay.  
20 A. April Gunnels.  
21 Q. Okay.  
22 A. Kim Smith.  
23 Q. Okay.

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<p>1 A. Corolla Rambo.</p> <p>2 Q. Is that a K?</p> <p>3 A. It's a C.</p> <p>4 Q. Okay.</p> <p>5 A. Sandy Gunnels.</p> <p>6 Q. Okay. Who else?</p> <p>7 A. And there may -- I don't know the lady's</p> <p>8 name. She's an instructor at Columbus</p> <p>9 Tech.</p> <p>10 Q. Isn't that where Sandy Gunnels is now,</p> <p>11 Columbus Tech?</p> <p>12 A. She is.</p> <p>13 Q. So there was another instructor from</p> <p>14 Columbus Tech?</p> <p>15 A. Yes.</p> <p>16 Q. And you can't remember her name?</p> <p>17 A. I don't. I don't remember her name.</p> <p>18 Q. Had she previously worked at Chattahoochee</p> <p>19 Valley Community College?</p> <p>20 A. No.</p> <p>21 Q. Did you sit down with -- actually meet with</p> <p>22 this person, this other professor at</p> <p>23 Columbus Tech?</p>	<p>1 Q. So how long was it after you took Tawyna</p> <p>2 Cash's final that she told you what you had</p> <p>3 made?</p> <p>4 A. Within the next week of class, within the</p> <p>5 next -- within the next week.</p> <p>6 Q. So within a week of your taking the final,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Now, I didn't understand what you meant.</p> <p>10 You said within the next week of class or</p> <p>11 in the next week of class. The semester</p> <p>12 was not over?</p> <p>13 A. It was over. When she told me my grade, it</p> <p>14 was over. I'm trying to remember how long</p> <p>15 it took me to sit down with her for the</p> <p>16 grade appeal. That's what I was trying to</p> <p>17 remember.</p> <p>18 Q. Right now, we're talking about, though,</p> <p>19 when Tawyna Cash told you what you made on</p> <p>20 your final in obstetrics, and that was</p> <p>21 within a week of your taking the final,</p> <p>22 correct?</p> <p>23 A. Correct.</p>
Page 110	Page 112
<p>1 A. Yes.</p> <p>2 Q. And was Sandy Gunnels there at that</p> <p>3 meeting?</p> <p>4 A. She was.</p> <p>5 Q. Was there more than one meeting?</p> <p>6 A. Yes, sir.</p> <p>7 Q. After you took the final in NUR 271,</p> <p>8 obstetrics, the course taught by Tawyna</p> <p>9 Cash, how long was it before you had your</p> <p>10 first meeting about the final with Sandy</p> <p>11 Gunnels and/or this other instructor whose</p> <p>12 name you cannot remember?</p> <p>13 A. When she told me what my final grade was.</p> <p>14 Q. Well, do you remember the date of the final</p> <p>15 exam?</p> <p>16 A. I don't.</p> <p>17 Q. I mean, it was in December of 2005, right?</p> <p>18 A. Correct.</p> <p>19 Q. Was it the first of December? Middle of</p> <p>20 December?</p> <p>21 A. Probably, say, the first half of December,</p> <p>22 maybe the first week or so. I'm not real</p> <p>23 sure the exact date.</p>	<p>1 Q. And was it over the phone?</p> <p>2 A. I don't remember.</p> <p>3 Q. But she told you?</p> <p>4 A. She told me.</p> <p>5 Q. It was a D, right?</p> <p>6 A. Correct.</p> <p>7 Q. When she told you that, did y'all have any</p> <p>8 kind of discussion at all?</p> <p>9 A. Not that I can recall at the time.</p> <p>10 Q. You just said thank you, and y'all hung up?</p> <p>11 A. Yes.</p> <p>12 Q. Did you have any kind of concern, a</p> <p>13 premonition that you might not have made a</p> <p>14 passing grade on that final?</p> <p>15 A. No.</p> <p>16 Q. So how long was it after you talked to</p> <p>17 Tawyna Cash and she gave you your grade in</p> <p>18 obstetrics, how long was it before you</p> <p>19 spoke with Sandy Gunnels?</p> <p>20 A. Within the next day or so.</p> <p>21 Q. Do you think it could have been more than</p> <p>22 two days?</p> <p>23 A. No, sir.</p>

<p style="text-align: right;">Page 113</p> <p>1 Q. Would it have been the same day?</p> <p>2 A. It could have been.</p> <p>3 Q. Either the same day or the very next day?</p> <p>4 A. Could have been.</p> <p>5 Q. One of those two days, the same day you</p> <p>6 learned of the grade or the next day after</p> <p>7 you learned; is that right?</p> <p>8 A. Right.</p> <p>9 Q. How did you reach Ms. Gunnels?</p> <p>10 A. By phone.</p> <p>11 Q. Where did you call her? Where was she?</p> <p>12 A. At work.</p> <p>13 Q. At?</p> <p>14 A. Columbus Tech.</p> <p>15 Q. Columbus Tech. Tell me what y'all said to</p> <p>16 each other.</p> <p>17 A. I don't recall the whole conversation, but</p> <p>18 in that conversation, I told her what I was</p> <p>19 told that my grade was. And I was advised</p> <p>20 to do a grade appeal by her, and that's</p> <p>21 what I did.</p> <p>22 Q. How long was this conversation that you had</p> <p>23 with Ms. Gunnels on the telephone?</p>	<p style="text-align: right;">Page 115</p> <p>1 Harris, correct?</p> <p>2 A. Correct.</p> <p>3 Q. That was NUR 252?</p> <p>4 A. Correct.</p> <p>5 Q. What is the name of that course?</p> <p>6 A. I think that was Adult -- I think it was</p> <p>7 Adult Nursing II.</p> <p>8 Q. How did you find out about the D you made</p> <p>9 in Lynn Harris's class?</p> <p>10 A. She told me that I didn't make -- she told</p> <p>11 me my points, what my points were and what</p> <p>12 she had calculated without -- and I think I</p> <p>13 gave that sheet and -- a copy of that</p> <p>14 sheet. And she said without the -- even</p> <p>15 without the care plan, you didn't make</p> <p>16 enough points to pass.</p> <p>17 Q. Let's talk about when and how you first</p> <p>18 learned of your D in NUR 252 Did you say</p> <p>19 that's called Adult Nursing II?</p> <p>20 A. Adult Nursing II.</p> <p>21 Q. How did you first find out about it?</p> <p>22 A. I found out about that from Lynn Harris.</p> <p>23 Q. How long after the test? How long after</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Probably 30 minutes.</p> <p>2 Q. So can you tell me what all was said?</p> <p>3 That's a pretty good while.</p> <p>4 A. How to go about doing the grade appeal,</p> <p>5 that I needed to go talk to Dixie Peterson,</p> <p>6 Dean Lowe, who to communicate things with</p> <p>7 and go through the chain of command and get</p> <p>8 a copy of the grade appeal process.</p> <p>9 She told me that there was a sheet --</p> <p>10 or it was in the -- could be in the catalog</p> <p>11 or they had it up in the dean's office how</p> <p>12 to fill out a grade appeal, so that's what</p> <p>13 I did.</p> <p>14 Q. So how long was it after you spoke with</p> <p>15 Sandy Gunnels that you filled out the grade</p> <p>16 appeal?</p> <p>17 A. It was immediately. I had -- I think I</p> <p>18 might have had it back to them within the</p> <p>19 next day or two.</p> <p>20 Q. Now, that same semester, you also made a D</p> <p>21 in another class, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And that was the class taught by Lynn</p>	<p style="text-align: right;">Page 116</p> <p>1 the final exam?</p> <p>2 A. Maybe the next day.</p> <p>3 Q. Where were you?</p> <p>4 A. At the school in her office.</p> <p>5 Q. Okay.</p> <p>6 A. In her office.</p> <p>7 Q. You were at the school, and so was she?</p> <p>8 A. Uh-huh. (Positive response.)</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 Q. Was anyone else there?</p> <p>12 A. We were in a line to go in and see what our</p> <p>13 grades were, and she went -- she had a</p> <p>14 sheet that she wrote out our points.</p> <p>15 Q. Did everybody go in alone with her?</p> <p>16 A. Yes.</p> <p>17 Q. And the door was closed?</p> <p>18 A. Right.</p> <p>19 Q. So you could talk privately?</p> <p>20 A. Right.</p> <p>21 Q. Okay.</p> <p>22 A. I'm sorry. I'm trying to remember and I'm</p> <p>23 trying to put things together. Can we go</p>

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<p>1 back?</p> <p>2 Q. Yes, ma'am.</p> <p>3 A. If I remember correctly, when I got that</p> <p>4 grade from Tawyna Cash, if I -- there was</p> <p>5 some point in time when I spoke to Dixie</p> <p>6 Peterson and she told me that I did not</p> <p>7 have enough points for that, that I made a</p> <p>8 D in that OB class. I'm trying to remember</p> <p>9 everything.</p> <p>10 Q. But, now, was that before you learned from</p> <p>11 Tawyna Cash of your grade in obstetrics?</p> <p>12 A. I'm trying to remember, because I found out</p> <p>13 about that one after -- yes, it was. I'm</p> <p>14 sorry. Yes, it was. I think Dixie</p> <p>15 Peterson is the one that told me that I</p> <p>16 made a D in that one also, because Ms. Cash</p> <p>17 was not coming back to the school and would</p> <p>18 not be available. I'm sorry.</p> <p>19 Q. That's all right. Don't apologize</p> <p>20 A. I'm trying to remember everything, and it's</p> <p>21 just --</p> <p>22 Q. I want you to remember, and I want to give</p> <p>23 you a chance to. So don't apologize. It's</p>	<p>1 A. In the adult --</p> <p>2 Q. -- I'm sorry, in the adult nursing class,</p> <p>3 how long was it before Dixie told you what</p> <p>4 your grade was in the OB class?</p> <p>5 A. It could have been -- I think it was a</p> <p>6 couple of days because she said that</p> <p>7 Ms. Cash had not turned in her grades yet.</p> <p>8 I'm sorry. That is the way I found out my</p> <p>9 grade was, through her.</p> <p>10 Q. Through?</p> <p>11 A. Dixie Peterson, that I made a D in this</p> <p>12 class, also. So I didn't pass that second</p> <p>13 semester.</p> <p>14 Q. Did you contact Tawyna Cash after you spoke</p> <p>15 with Dixie and she told you that you'd made</p> <p>16 a D in obstetrics?</p> <p>17 A. Yes, sir, I did. I called her at home.</p> <p>18 Q. That same day?</p> <p>19 A. I tried. I don't remember exactly what day</p> <p>20 it was, but I had to track down this lady's</p> <p>21 telephone number because nobody would give</p> <p>22 it to me from the school and I didn't have</p> <p>23 any sheets with her number on it. I knew</p>
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<p>1 fine.</p> <p>2 A. Well, then, I'm not sorry. I hate that</p> <p>3 it's taking me, you know, a longer period</p> <p>4 of time and me -- you know, I may have said</p> <p>5 this. I'm thinking about both classes at</p> <p>6 the same time because there was so much</p> <p>7 going on, so it's just hard to get it all</p> <p>8 together.</p> <p>9 Q. Now, let's talk about Dixie Peterson.</p> <p>10 Okay? Are you saying that Dixie Peterson</p> <p>11 told you about your grade in NUR 252 Adult</p> <p>12 Nursing II?</p> <p>13 A. No, Lynn Harris told me about that grade.</p> <p>14 Q. Did Lynn Harris tell you about that grade</p> <p>15 before or after Dixie Peterson told you</p> <p>16 about your grade in obstetrics?</p> <p>17 A. Before.</p> <p>18 Q. Lynn told you before.</p> <p>19 A. Lynn told me before I knew what my grade</p> <p>20 was in the OB class, the 271.</p> <p>21 Q. All right. So after you learned from Lynn</p> <p>22 Harris what your grade was in the OB</p> <p>23 class --</p>	<p>1 she lived in Lanett, Valley, somewhere, so</p> <p>2 I looked her up in the phone book and</p> <p>3 called her.</p> <p>4 Q. So that was very shortly after Dixie told</p> <p>5 you what you had made in obstetrics?</p> <p>6 A. Correct.</p> <p>7 Q. The day of? Did you call Tawyna Cash --</p> <p>8 A. I'm not sure if it was the day of because I</p> <p>9 had a hard time getting her telephone</p> <p>10 number.</p> <p>11 Q. Was it the next day, the day after Dixie</p> <p>12 told you what your grade was in obstetrics?</p> <p>13 A. It could have been.</p> <p>14 Q. It was just as soon as possible after she</p> <p>15 told you -- after Dixie told you what the</p> <p>16 grade was, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then you went through the process of</p> <p>19 meeting with her that you've already</p> <p>20 described, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is everything else the same with respect to</p> <p>23 your grade in OB and your discussions with</p>



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<p>1 Tawyna Cash other than the fact that you</p> <p>2 initially learned from Dixie?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So everything is correct that you've</p> <p>5 testified to before with that exception?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Let's go back to Lynn Harris. Okay? You</p> <p>8 went into the office with Lynn Harris and</p> <p>9 closed the door. There was no one else</p> <p>10 there with the two of you, correct?</p> <p>11 A. I don't think the door was closed because</p> <p>12 all the students were in a line.</p> <p>13 Q. And Lynn Harris, did she show you what you</p> <p>14 made on the final in addition to all of the</p> <p>15 points for the semester?</p> <p>16 A. If my memory serves me right, yes, sir, she</p> <p>17 did. She showed me a Scantron that had red</p> <p>18 writing all over it, and that was my --</p> <p>19 supposed to be my final. There was red</p> <p>20 marks all in my final.</p> <p>21 Q. Your Scantron?</p> <p>22 A. Yes, sir, and all over it.</p> <p>23 Q. Do you know what your number of correct</p>	<p>1 A. Yeah, there was clinical. That was in the</p> <p>2 hospital. If you did not pass clinical,</p> <p>3 you didn't pass the course. There were</p> <p>4 care plans that had to be done.</p> <p>5 Q. Right.</p> <p>6 A. There were tests. There were computer</p> <p>7 assignments. And I'm not sure if there was</p> <p>8 a paper that we had to do. I don't</p> <p>9 remember.</p> <p>10 Q. Nevertheless, whatever the components would</p> <p>11 have been to that grade, did Lynn Harris</p> <p>12 have all of those numbers in when you met</p> <p>13 with her?</p> <p>14 A. No, sir.</p> <p>15 Q. She did not?</p> <p>16 A. No, sir.</p> <p>17 Q. What did she lack?</p> <p>18 A. There was care plans that I was told that</p> <p>19 were lost, and they were giving me -- they</p> <p>20 said that they would allot 23 points out of</p> <p>21 25.</p> <p>22 Q. Okay. How many care plans?</p> <p>23 A. We had to do two.</p>
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<p>1 answers were out of whatever number that</p> <p>2 was there?</p> <p>3 A. (Shakes head from side to side.)</p> <p>4 Q. You don't know?</p> <p>5 A. (Shakes head from side to side.)</p> <p>6 Q. Nevertheless, you did not pass that final,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. When Lynn Harris totaled up your total</p> <p>10 points for all of the other work that you</p> <p>11 would have been doing, she said that --</p> <p>12 what?</p> <p>13 A. You don't have enough points.</p> <p>14 Q. Don't have enough points?</p> <p>15 A. You get a D.</p> <p>16 Q. Did she tell you of any way that you could</p> <p>17 bring -- or any way that that grade could</p> <p>18 get better if you --</p> <p>19 I guess what I'm asking, there were</p> <p>20 several components to your grade, correct?</p> <p>21 A. Correct.</p> <p>22 Q. What? There was at least one paper, wasn't</p> <p>23 there? There was clinical.</p>	<p>1 Q. So that would have been a total of 50</p> <p>2 points?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And because they were lost, you got 46 out</p> <p>5 of 50?</p> <p>6 A. Yes, sir, I guess so.</p> <p>7 Q. Is that a good grade on those care plans?</p> <p>8 A. Pretty much.</p> <p>9 Q. Pretty much?</p> <p>10 A. Yeah. I mean, that's a good grade. I</p> <p>11 think that's a B maybe. I'm not real</p> <p>12 sure. Have to calculate it.</p> <p>13 Q. Who told you they were lost?</p> <p>14 A. Lynn Harris did.</p> <p>15 Q. Did she tell you how they got lost?</p> <p>16 A. No, she didn't give an explanation. She</p> <p>17 said that she was told that they were</p> <p>18 lost. And the instructor that did my</p> <p>19 clinicals, her name was Deborah Gruber.</p> <p>20 And that's the lady that we turned those</p> <p>21 care plans in to in the hospital. We</p> <p>22 turned those care plans in to her.</p> <p>23 And she -- there was a phone</p>

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<p>1 conversation between her and Sandy</p> <p>2 Gunnels. I was listening. She said she</p> <p>3 turned those care plans in to Dixie.</p> <p>4 Q. Deborah Gruber?</p> <p>5 A. Uh-huh. (Positive response.)</p> <p>6 Q. Told Sandy Gunnels that she turned your</p> <p>7 care plans in to Dixie?</p> <p>8 A. Yes.</p> <p>9 Q. For NUR 252, Adult Nursing II, right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Was that the only component to the total</p> <p>12 number of points that Lynn Harris did not</p> <p>13 have the actual number for?</p> <p>14 A. I think so.</p> <p>15 Q. And Lynn Harris knew, however, that you</p> <p>16 would be getting this 23 out of 25 on those</p> <p>17 two care plans, correct?</p> <p>18 A. That's what she told me that they were</p> <p>19 going to allot for the lost care plan.</p> <p>20 Q. Did anybody else have a lost care plan?</p> <p>21 A. My whole group did. Just my group, my</p> <p>22 clinical group.</p> <p>23 Q. How many were in your clinical group?</p>	<p>1 A. Oh, yes, sir.</p> <p>2 Q. Tell me about that, exactly what was said.</p> <p>3 A. I wanted to go over everything that she had</p> <p>4 for me and review all the tests and look</p> <p>5 for my points.</p> <p>6 Q. When did you want to do that?</p> <p>7 A. As soon as possible.</p> <p>8 Q. All right. You say look for the points.</p> <p>9 There weren't any other lost papers or</p> <p>10 anything like that, were there, other than</p> <p>11 those care plans?</p> <p>12 A. Correct.</p> <p>13 Q. What do you mean look for the points?</p> <p>14 A. Look for the points. To go through all my</p> <p>15 test grades and make sure that the</p> <p>16 Scantrons were not messed up.</p> <p>17 And they gave me the opportunity to</p> <p>18 look at those tests, and she let me write</p> <p>19 down -- not word for word, but she let me</p> <p>20 write down some of the test questions and</p> <p>21 review and try and find -- try and, I</p> <p>22 guess, go to her and say, this is my</p> <p>23 answer; this is correct; will you accept</p>
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<p>1 A. I think six.</p> <p>2 Q. Who were they?</p> <p>3 A. That particular time, I know Crystal Love</p> <p>4 was in there, April Gunnels, Corolla</p> <p>5 Rambo. I'm trying to think who else was in</p> <p>6 that group.</p> <p>7 Q. Where did you do your clinicals?</p> <p>8 A. The Medical Center. 6 East.</p> <p>9 Q. The Medical Center?</p> <p>10 A. It's in Columbus, Georgia. It's --</p> <p>11 Q. It's a hospital?</p> <p>12 A. Yeah.</p> <p>13 Q. Is it Columbus Medical Center or --</p> <p>14 A. Columbus Regional Medical Center. The</p> <p>15 Medical Center.</p> <p>16 Q. That was on 6 East?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Who was the -- Deborah Gruber. You've</p> <p>19 already told me. Columbus Regional. All</p> <p>20 right.</p> <p>21 Now, did you have a discussion with</p> <p>22 Lynn Harris about your grade when she told</p> <p>23 you what it was?</p>	<p>1 this or what.</p> <p>2 Q. So when you told Lynn Harris that you'd</p> <p>3 like to sit down with her and go over</p> <p>4 everything, what did Lynn Harris say?</p> <p>5 A. It was not very nice at that time. I mean,</p> <p>6 she was not being very nice to me which,</p> <p>7 you know, that -- that really is</p> <p>8 irrelevant, but it was not a nice</p> <p>9 situation. It was very ugly and nasty.</p> <p>10 Q. Well, I'm not --</p> <p>11 A. She was very defensive. She didn't want</p> <p>12 you to question her or her answers. And</p> <p>13 when I did so, it was not nice.</p> <p>14 Q. How about in that first meeting in her</p> <p>15 office where there was a line behind you</p> <p>16 and she gave you the total number of points</p> <p>17 and you knew it was a D and you said, I'd</p> <p>18 like to meet with you and go through all of</p> <p>19 this?</p> <p>20 A. Don't have time right now.</p> <p>21 Q. Did she set up a time for you to meet with</p> <p>22 her?</p> <p>23 A. I had to go to Dixie.</p>

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<p>1 Q. Now, was Lynn Harris real defensive when</p> <p>2 she told you what your grade was and you</p> <p>3 said I want to meet?</p> <p>4 A. No. When she told me what my grade was,</p> <p>5 no. I said, well, I want to review</p> <p>6 everything, I want to see everything,</p> <p>7 that's when --</p> <p>8 Q. She was defensive then?</p> <p>9 A. (Witness nods head up and down.)</p> <p>10 Q. Yes?</p> <p>11 A. I took it as an offense -- just her</p> <p>12 demeanor, the way she was acting.</p> <p>13 Q. In that very first meeting when you said I</p> <p>14 want to go over everything with you, right,</p> <p>15 is that --</p> <p>16 A. I want to see all my test grades. I want</p> <p>17 to see all my papers. I want to see</p> <p>18 everything.</p> <p>19 Q. Did you take that as -- that she was</p> <p>20 behaving offensively at that time?</p> <p>21 A. Yes, sir.</p> <p>22 Q. So tell me exactly how that manifested.</p> <p>23 A. I don't know. I don't know.</p>	<p>1 Q. First?</p> <p>2 A. First.</p> <p>3 Q. Adult Nursing II?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And then you called her about obstetrics --</p> <p>6 A. When I learned that grade.</p> <p>7 Q. -- when Dixie Peterson told you about that</p> <p>8 one?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Now, when you talked to Sandy Gunnels about</p> <p>11 Adult Nursing II, tell me about that</p> <p>12 conversation.</p> <p>13 A. I told her that -- I told her about not</p> <p>14 having enough points, saying they lost the</p> <p>15 care plans and things like that, and she</p> <p>16 told me to go through the grade appeal</p> <p>17 process, just as in the OB class. She told</p> <p>18 me to do that one first because that's the</p> <p>19 one I knew about first. Then she said if</p> <p>20 you're going to do that, you need to go and</p> <p>21 do the OB, just do it, also. Review</p> <p>22 everything.</p> <p>23 Q. Did you tell Sandy Gunnels that you were</p>
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<p>1 Q. What did she do that was nasty, cruel, mean</p> <p>2 or whatever you said?</p> <p>3 A. Raised her voice. I mean, her face would</p> <p>4 turn red and she would just get excited.</p> <p>5 Q. What else?</p> <p>6 A. That's it.</p> <p>7 Q. Did you -- you say that you were able to</p> <p>8 look at your tests in 252, that course?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Adult nursing?</p> <p>11 Yes?</p> <p>12 A. Yes, sir.</p> <p>13 Q. So when did you look at your tests?</p> <p>14 A. After I had filled out the papers for the</p> <p>15 grade appeal, then we set a date for me to</p> <p>16 come in and look at the tests and go over</p> <p>17 it with her.</p> <p>18 Q. When you called Sandy Gunnels on the phone</p> <p>19 about your grade in obstetrics, you knew</p> <p>20 about your grade in Adult Nursing II also,</p> <p>21 didn't you?</p> <p>22 A. I knew about that grade first, and I called</p> <p>23 her about that one.</p>	<p>1 receiving 23 out of 25 total points on each</p> <p>2 of those care plans that were lost?</p> <p>3 A. It was only one care plan that was lost.</p> <p>4 Yes, I did.</p> <p>5 Q. So you got your actual grade on one care</p> <p>6 plan, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And then they gave you a 23 out of 25 on</p> <p>9 the other care plan that was lost, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Did they do that for all six of the people</p> <p>12 in your group?</p> <p>13 A. I'm not real sure. As far as I know, they</p> <p>14 did.</p> <p>15 Q. But did you tell Sandy Gunnels when you</p> <p>16 talked to her the first time about the fact</p> <p>17 that you were getting 23 out of 25 on that</p> <p>18 lost care plan?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So tell me everything you told Sandy</p> <p>21 Gunnels about your Adult Nursing II grade</p> <p>22 and any problems or whatever you talked to</p> <p>23 her about before she said file a grade</p>



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<p>1 appeal.</p> <p>2 A. As far as the whole semester? I mean --</p> <p>3 Q. Were you talking to her the whole semester?</p> <p>4 A. Oh, yes, sir.</p> <p>5 Q. Tell me about your relationship with Sandy</p> <p>6 Gunnels then during that time.</p> <p>7 A. She's a colleague, so, I mean, I kept in</p> <p>8 touch with her after the LPN program as</p> <p>9 well as some other instructors.</p> <p>10 Q. Let's do this. You called Sandy Gunnels</p> <p>11 right after you learned about your Adult</p> <p>12 Nursing II grade, right?</p> <p>13 A. Right.</p> <p>14 Q. Before you had any kind of -- before you</p> <p>15 ever talked with Lynn Harris again after</p> <p>16 that first time when she told you about the</p> <p>17 grade?</p> <p>18 A. Yes, sir, and that's when I filed my grade</p> <p>19 appeal.</p> <p>20 Q. All right.</p> <p>21 A. She was talking me through where to go and</p> <p>22 what papers to get to do it because no one</p> <p>23 else would help me.</p>	<p>1 about obstetrics, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you had not spoken at that time with</p> <p>4 Tawyna Cash, correct?</p> <p>5 A. Correct.</p> <p>6 Q. You had not spoken subsequent to speaking</p> <p>7 with Dixie when she told you what your</p> <p>8 grade was to anyone else at the school</p> <p>9 about your obstetrics grade, correct?</p> <p>10 A. As far as instructors?</p> <p>11 Q. Before you called Sandy Gunnels -- yes, as</p> <p>12 far as instructors, as far as officials or</p> <p>13 instructors or employees at the school.</p> <p>14 A. I mean, I just talked to Dixie and-- no,</p> <p>15 sir, I didn't. I didn't talk to anybody</p> <p>16 else.</p> <p>17 Q. You had one conversation with Dixie. She</p> <p>18 told you what your grade was. You called</p> <p>19 Sandy Gunnels, and she said file a grade</p> <p>20 appeal?</p> <p>21 A. Right.</p> <p>22 Q. And that was in obstetrics?</p> <p>23 A. Right.</p>
Page 134	Page 136
<p>1 Q. So you had talked to Lynn Harris once about</p> <p>2 your grade, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And then you called Sandy Gunnels, right?</p> <p>5 A. Correct.</p> <p>6 Q. And she told you to file a grade appeal,</p> <p>7 right?</p> <p>8 A. Correct.</p> <p>9 Q. Then did you call Lynn Harris back after</p> <p>10 you filed the grade appeal?</p> <p>11 A. Did I call her back? I'm sure I did.</p> <p>12 Q. Or did you go through --</p> <p>13 A. I went through the process --</p> <p>14 Q. -- the administration at that point in</p> <p>15 time? Is that the way you do that?</p> <p>16 A. I went through everybody. I went through</p> <p>17 Dixie, Dean Lowe, the grade appeal process</p> <p>18 until we -- they gave me a date to come in</p> <p>19 and sit down with her to go through my</p> <p>20 papers.</p> <p>21 Q. After Dixie told you your grade in</p> <p>22 obstetrics, it was very -- like that day or</p> <p>23 the next day that you called Sandy Gunnels</p>	<p>1 MR. NIX: Let's take abreak.</p> <p>2 (Lunch recess was taken.)</p> <p>3 (Defendant's Exhibit 2 was marked</p> <p>4 for identification.)</p> <p>5 Q. Ms. Wright, I've marked as Defendant's</p> <p>6 Exhibit Number 2 the Defendants' First</p> <p>7 Amended Set of Request for Production of</p> <p>8 Documents which was submitted to you and</p> <p>9 your attorneys and that you responded to</p> <p>10 yesterday by giving me some documents and</p> <p>11 that your lawyer is going to give me a</p> <p>12 written response to today.</p> <p>13 MR. NIX: I just wanted to</p> <p>14 establish for the Record that</p> <p>15 Defendant's Exhibit 1 and</p> <p>16 Defendant's Exhibit 2 ask for</p> <p>17 the same documents. There are</p> <p>18 44 items in the request for</p> <p>19 production, and there are 44</p> <p>20 items in the notice of</p> <p>21 deposition duces tecum.</p> <p>22 There's a stipulation that</p> <p>23 these are the same.</p>

<p style="text-align: right;">Page 137</p> <p>1 Q. So with that done, let me go back and ask  2 you a few more questions about what we were  3 talking about before I move on.  4 We were talking about damages, and you  5 had told me that you had humiliation. That  6 was another thing that you mentioned, and  7 then we've been talking about your pay as  8 an LPN. One of the things your complaint  9 says -- or that maybe you said in the  10 deposition is that you've had to -- or that  11 there have been RN jobs that you could have  12 applied for if you had your RN license.  13 What I would ask you to do for me is to  14 tell me about some of those jobs, what they  15 are and how much they pay.  16 A. Well, I was approached by a friend that  17 works at St. Francis, and she was telling  18 me that -- she's currently working there as  19 an RN, and they're paying \$35 an hour for  20 p.r.n.  21 And the employer that I was currently  22 working for, there was positions open that  23 required RN, and they were salaried</p>	<p style="text-align: right;">Page 139</p> <p>1 A. I was hourly in the beginning and then went  2 to a salaried position.  3 Q. How much was the hourly rate?  4 A. \$15 an hour.  5 Q. How long were you there before you went to  6 a salaried position?  7 A. I think I was put on that payroll for the  8 salaried position in December of --  9 Q. '06?  10 A. Yes, sir.  11 Q. What was the salary?  12 A. 45,000 plus incentives.  13 Q. What incentives do you mean?  14 A. It was based on referrals, the referrals  15 that I had come into the office.  16 Q. How did you get these referrals?  17 A. By going out and talking to families and  18 doctors, hospitals, educating them on  19 hospice benefits.  20 Q. And what was the incentive pay?  21 A. It was anywhere from -- it started at five  22 referrals, anywhere from 25 to -- and it  23 always started back at one. \$25 per</p>
<p style="text-align: right;">Page 138</p> <p>1 positions, and they were between 20 and \$25  2 an hour.  3 Q. You say the employer that you were working  4 for. Do you mean Doctors Hospital?  5 A. No.  6 Q. Or do you mean St. Francis?  7 A. No, sir.  8 Q. Patel?  9 A. No. The last was Wiregrass Hospice.  10 Q. Oh, okay. I didn't know about that place.  11 Now, when did you start working for  12 Wiregrass Hospice?  13 A. August 21st, 2006.  14 Q. How long did you work for them, or are you  15 still?  16 A. No, I'm not working there as of June of  17 this year.  18 Q. All right. June '07. Now, were you  19 working at Wiregrass Hospice on an  20 as-needed basis or were you working there  21 full-time?  22 A. Full-time.  23 Q. And how were you paid?</p>	<p style="text-align: right;">Page 140</p> <p>1 referral up to whatever. I mean, it could  2 have been \$2,000, up to \$2,000 extra a  3 month.  4 Q. I'm not sure I understand. \$25 per  5 referral?  6 A. Uh-huh. (Positive response.)  7 Q. Did it ever go higher than \$25 per  8 referral?  9 A. It could, if you brought in more than -- if  10 you had from -- one through five I think  11 was \$25. If you got up to ten, it always  12 went back to one. It was paid from one  13 to -- started at one, and it was \$25 per  14 referral, but it went up, kind of like it  15 doubled.  16 Q. Then there was a cap on it at \$2,000?  17 A. No.  18 Q. There's no cap?  19 A. Huh-uh. (Negative response.)  20 Q. What was the highest amount of money you  21 made on referrals, incentive pay?  22 A. I think 125, 225. I'm not real sure.  23 Q. Where is Wiregrass Hospice?</p>

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1 A. It's in Phenix City.  
 2 Q. Now, what was the name of that salaried  
 3 position?  
 4 A. It was account executive.  
 5 Q. So you were not actually practicing as an  
 6 LPN after you got the salaried position; is  
 7 that right?  
 8 A. No.  
 9 Q. Were you practicing as an LPN at Wiregrass  
 10 Hospice when you were there at \$15 an hour?  
 11 A. Yes, sir.  
 12 Q. Why did you leave Wiregrass Hospice in  
 13 June?  
 14 A. Because they eliminated the marketing  
 15 position.  
 16 Q. Do you have a job now?  
 17 A. Not right this minute.  
 18 Q. Are you looking?  
 19 A. Yes, sir.  
 20 Q. How does an LPN look for a job?  
 21 A. Go out and apply, I mean, just like anybody  
 22 else would, fill out applications and --  
 23 Q. I didn't know whether there was a referral

1 at St. Francis?  
 2 A. Well, there was one at Wiregrass that I  
 3 could have applied for.  
 4 Q. And that was an RN position?  
 5 A. Yes, sir.  
 6 Q. How much would it have paid?  
 7 A. I'm not real sure. Probably somewhere in  
 8 the same range as what I was making as a  
 9 marketer.  
 10 Q. Are you thinking -- Are there any other  
 11 places that you can specifically tell me  
 12 about where an RN position may have been  
 13 open that you would have applied for if you  
 14 had had your RN license?  
 15 A. Doctors Hospital. I mean, there's --  
 16 Q. Everywhere?  
 17 A. Everywhere.  
 18 Q. Now, let me ask you this. You said  
 19 humiliation was one of your damages. Tell  
 20 me about that.  
 21 A. The humiliation of the class, having to  
 22 explain -- I mean, because you can't --  
 23 people say, are you going to go back to RN

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1 place for nurses or what.  
 2 A. No. I've placed my resume on  
 3 careerbuilder.com, so I've pretty much  
 4 gotten phone calls and people that I've met  
 5 in that time frame ...  
 6 Q. You mentioned this one position at  
 7 St. Francis, an RN position, \$35  
 8 as-needed. Was that a position that was  
 9 open at some point in time?  
 10 A. It's been open.  
 11 Q. You've never applied for it, obviously,  
 12 because you don't have the RN license, but  
 13 was there a full-time position for an RN at  
 14 St. Francis?  
 15 A. I'm sure there is. There's full-time  
 16 positions for RNs everywhere.  
 17 Q. But you don't know what a full-time  
 18 position would pay; is that right?  
 19 A. No.  
 20 Q. When you said that you -- there were jobs  
 21 you could have applied for if you had your  
 22 RN license, are you thinking of any other  
 23 specific jobs other than this as-needed job

1 school? Well, what do you tell them? You  
 2 have to tell them. I don't go into detail,  
 3 but I tell them briefly.  
 4 Q. What do you tell them?  
 5 A. I have been and I'm still working on it.  
 6 Q. I'm sorry. Is that what you tell them?  
 7 A. Uh-huh. (Positive response.) Trying to  
 8 get things resolved.  
 9 Q. Okay. So in other words, what you tell  
 10 them is, I'm working on it?  
 11 A. Working on it and trying to get things  
 12 resolved with what I've already been  
 13 through as far as --  
 14 Q. In terms of this lawsuit is what you're  
 15 saying?  
 16 A. As far as classes and the class that I need  
 17 to take if granted.  
 18 Q. So what you're saying is -- tell me what  
 19 you would have to do if you could get back  
 20 into the RN program at CVCC. What would  
 21 you have to do to graduate?  
 22 A. If I were granted course forgiveness like I  
 23 was under the impression that would be able

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1 to take place, then I would only have to  
 2 take that pediatric class and be done.  
 3 Q. Which number was that?  
 4 A. That was the 272, the last class.  
 5 Q. So you'd have to take that. Now, are you  
 6 saying that that's what you want to do?  
 7 A. That's the only thing I wanted to do.  
 8 Q. Okay. You're saying that your goal in this  
 9 lawsuit is to be able to get back to CVCC,  
 10 get your RN certificate or your diploma  
 11 from there, take the State exam and become  
 12 an RN; is that correct?  
 13 A. Pretty much.  
 14 Q. Do you understand what happened or what the  
 15 rules are regarding course forgiveness?  
 16 A. Yes, sir, I had to research that myself in  
 17 the course catalog.  
 18 Q. Okay. Tell me exactly what you did  
 19 researching that.  
 20 A. From the beginning of that?  
 21 Q. Sure. Might as well start at the  
 22 beginning.  
 23 A. Okay. Well, when everything occurred as

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1 far as the grade appeals, I went to Dixie  
 2 and she made an appointment with Dean Lowe  
 3 for her and him to be in her office.  
 4 And we were discussing the things that  
 5 had happened. She said, Lindy, it's not  
 6 like you've got course forgiveness. And I  
 7 was thinking, okay, well, nobody said  
 8 anything -- I didn't say anything. I said,  
 9 well, nobody said anything to me about  
 10 course forgiveness. What is this?  
 11 So I took it upon myself to get the  
 12 course catalog and research. And it said  
 13 that it's the student's responsibility to  
 14 ask for course forgiveness.  
 15 Well, they offered me Nursing 200 in  
 16 place of 252. They told me that they would  
 17 change the -- they had to change the course  
 18 number due to the fact that the course  
 19 curriculum -- that the course was changing  
 20 the following year, that 252 would not be  
 21 offered the following year, so they would  
 22 change it to 200. I said, okay.  
 23 I talked to an attorney about it, and

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1 she had contacted Dean Lowe. And we  
 2 thought we had come to an agreement, so I  
 3 said, fine, because I didn't want to  
 4 argue. Fine.  
 5 Q. You're talking about come to an agreement  
 6 with regard to what?  
 7 A. The 252.  
 8 Q. What agreement did you think you had come  
 9 to with Dean Lowe?  
 10 A. He told me -- his words were, the D will  
 11 not come off of your transcript, but it  
 12 will not be held against you. So we're  
 13 going to offer you Nursing 200 in place of  
 14 252 because the course curriculum is  
 15 changing. And that also came from Dixie  
 16 Peterson.  
 17 Q. All right. Tell me again what they said.  
 18 The D will not come off?  
 19 A. The D will not come off of your transcript,  
 20 but it will not be held against you.  
 21 Q. Okay. What else?  
 22 A. And we're offering 200 in place of 252.  
 23 Q. All right.

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1 A. At that point, I knew nothing about course  
 2 forgiveness, so Dixie had made that  
 3 comment. So I went and researched in the  
 4 course catalog, and it stated the procedure  
 5 for course forgiveness. You ask the dean  
 6 of students, write a letter.  
 7 I took a letter to Dean Hodge,  
 8 presented it to him and then waited for a  
 9 response. Nowhere in the course catalog  
 10 did it say that the nursing program was  
 11 exempt from that.  
 12 Q. It does say in the nursing portion of the  
 13 catalog that two failures or two courses  
 14 with a D disqualifies you, though, doesn't  
 15 it?  
 16 A. Correct, it does. But at that point, I did  
 17 not have two D's. That semester, there was  
 18 no -- there was only one.  
 19 Q. I'm not sure I understand what you're  
 20 saying. You're saying -- you're talking, I  
 21 guess --  
 22 A. Talking about the second semester, 252 and  
 23 271.



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<p>1 Q. Right.</p> <p>2 A. The OB and the med-surge --</p> <p>3 Q. 271 got changed to a C?</p> <p>4 A. Correct.</p> <p>5 Q. That was in the fall of 2005, fall</p> <p>6 semester.</p> <p>7 A. Correct.</p> <p>8 Q. It was. And then in January of 2006, you</p> <p>9 entered into the spring term for 2006?</p> <p>10 A. (Witness nods head up and down.)</p> <p>11 Q. And so I guess what I'm confused about is,</p> <p>12 you said at that time, I did not have two</p> <p>13 D's.</p> <p>14 A. No. I had the D in 252 that I was told</p> <p>15 would not be held against me. In return, I</p> <p>16 made an A in Nursing 200, which the 200</p> <p>17 replaced that 252 that I would have had to</p> <p>18 take the following year.</p> <p>19 Q. When you said at that time I did not have</p> <p>20 two D's, what is that time?</p> <p>21 A. That time was that second semester when I</p> <p>22 took Nursing 252 and 271. There were not</p> <p>23 two D's. That D in OB was changed to a C.</p>	<p>1 instead of 252 because 252 would not be</p> <p>2 offered again?</p> <p>3 A. Correct.</p> <p>4 Q. And you're saying that is the time at which</p> <p>5 you did not have two D's, right?</p> <p>6 A. Yes, sir. They had told me that the C --</p> <p>7 Dixie told me that it was at her discretion</p> <p>8 that that C would be changed to a D because</p> <p>9 Tawyna Cash did not follow up with the</p> <p>10 grade appeal process. She didn't turn in</p> <p>11 some kind of paperwork that she was</p> <p>12 supposed to have finished.</p> <p>13 Q. So that the D that you made in 271 was</p> <p>14 changed by the school to a C?</p> <p>15 A. Uh-huh. (Positive response.)</p> <p>16 Q. You moved into the spring semester of 2006</p> <p>17 with one D in 252. In the spring term, you</p> <p>18 made a D in 272, right?</p> <p>19 A. Correct.</p> <p>20 Q. Which gives you two D's or two courses that</p> <p>21 were failed; isn't that right?</p> <p>22 A. At that time, yes. But when I asked -- I</p> <p>23 called Ms. Alexander and asked her about</p>
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<p>1 Q. Right.</p> <p>2 A. Correct.</p> <p>3 Q. Okay. At that time, you did not</p> <p>4 have ... All right. Are you saying that</p> <p>5 you had a D in 252 and that you met with</p> <p>6 Dixie and Dean Lowe?</p> <p>7 A. Uh-huh. (Positive response.)</p> <p>8 Q. And --</p> <p>9 A. In the process of the grade appeal.</p> <p>10 Q. And when was this?</p> <p>11 A. That was before that second semester -- I</p> <p>12 mean that last semester had started, right</p> <p>13 before -- it might have been when I got</p> <p>14 confirmation that I could come back to</p> <p>15 school. It was maybe a day or two into</p> <p>16 class time.</p> <p>17 Q. So late December, early January -- late</p> <p>18 December '05, early January '06?</p> <p>19 A. Early January.</p> <p>20 Q. You're saying you met with Dixie Peterson</p> <p>21 and Dean Lowe?</p> <p>22 A. Uh-huh. (Positive response.)</p> <p>23 Q. And they talked to you about taking 200</p>	<p>1 the course forgiveness, and she told me I</p> <p>2 couldn't get course forgiveness until that</p> <p>3 class had been completed. So I</p> <p>4 completed --</p> <p>5 Q. Who's Ms. Alexander? I'm sorry.</p> <p>6 A. She is the lady in -- I don't know. She</p> <p>7 works up in the business office,</p> <p>8 admissions, somewhere up there. And she</p> <p>9 handles --</p> <p>10 Q. In nursing?</p> <p>11 A. No, for the school, for the college.</p> <p>12 Q. Ms. Alexander works in the main college</p> <p>13 office, admissions office?</p> <p>14 A. As far as I know, yes. I don't know</p> <p>15 exactly where her office is.</p> <p>16 Q. All right. Tell me when you called</p> <p>17 Ms. Alexander.</p> <p>18 A. When I was told that I could not take a</p> <p>19 class that would be offered the summer</p> <p>20 semester for students that had been told</p> <p>21 they failed that peds class, also, which</p> <p>22 would have been 272.</p> <p>23 Q. Who told you that?</p>

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<p>1 A. Lynn Harris.</p> <p>2 Q. Okay.</p> <p>3 A. No. I'm sorry. She didn't tell me that.</p> <p>4 The secretary told me that over the</p> <p>5 telephone when I called to ask when this</p> <p>6 class was going to be started. The</p> <p>7 secretary told me -- of the nursing</p> <p>8 program. I guess it was the secretary. It</p> <p>9 was some lady answering the phones down</p> <p>10 there. I don't know.</p> <p>11 Q. I want to get the timing right. You're</p> <p>12 talking about calling the secretary in the</p> <p>13 nursing program and talking to her about a</p> <p>14 course being offered in the summer of 2006?</p> <p>15 A. Correct.</p> <p>16 Q. And that course would have in your mind</p> <p>17 replaced 272; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. And 272 is what again?</p> <p>20 A. The pediatric.</p> <p>21 Q. Okay. I'm catching on.</p> <p>22 A. Okay.</p> <p>23 Q. 272 is pediatrics. All right.</p>	<p>1 said all you need is 180 points on your</p> <p>2 final.</p> <p>3 Q. One or two weeks before the final exam in</p> <p>4 NUR 272, you met with Lynn Harris; is that</p> <p>5 right?</p> <p>6 A. Correct.</p> <p>7 Q. And she said all you need is 180 points?</p> <p>8 A. Uh-huh. (Positive response.)</p> <p>9 Q. Is that right?</p> <p>10 A. Yes.</p> <p>11 Q. You need to say yes.</p> <p>12 A. I'm sorry. Yes, sir.</p> <p>13 Q. That's all right.</p> <p>14 Was it possible at that time to get 180</p> <p>15 points?</p> <p>16 A. Oh, sure it was.</p> <p>17 Q. And how would you have done that?</p> <p>18 A. If she would have been available to go over</p> <p>19 tests, go over any kind of remediation for</p> <p>20 any student, not just myself, anybody.</p> <p>21 Q. How does that get you points?</p> <p>22 A. That refreshes -- refreshes for tests.</p> <p>23 That just prepares you even more.</p>
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<p>1 So you did a grade appeal on 272,</p> <p>2 didn't you?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And you met with Lynn Harris on 272 -- on</p> <p>5 that course, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you met with her at the end of the</p> <p>8 spring semester of 2006 and -- when she</p> <p>9 told you about the grade you had made in</p> <p>10 272; is that right?</p> <p>11 A. Uh-huh. (Positive response.)</p> <p>12 Q. Is that right?</p> <p>13 A. Yes, sir. Sorry.</p> <p>14 Q. That's all right. So had you met with Lynn</p> <p>15 Harris about your status in that course,</p> <p>16 pediatrics, NUR 272, prior to the time that</p> <p>17 she told you about your grade, your final</p> <p>18 grade?</p> <p>19 A. For that last semester for the pediatric</p> <p>20 class?</p> <p>21 Q. The spring of 2006.</p> <p>22 A. It was one to two weeks before. And she</p> <p>23 said that all you need is -- I think she</p>	<p>1 Q. What about Lindy Wright --</p> <p>2 A. I mean, if you have any questions --</p> <p>3 Q. -- preparing? What about Lindy Wright</p> <p>4 preparing for tests?</p> <p>5 A. She did.</p> <p>6 Q. I mean, isn't it the student's</p> <p>7 responsibility, Ms. Wright, to study and</p> <p>8 prepare for tests?</p> <p>9 A. Yes.</p> <p>10 Q. It's not the professor's responsibility to</p> <p>11 study for you, is it?</p> <p>12 A. No, sir.</p> <p>13 Q. The professor outlined that course 272,</p> <p>14 pediatrics; isn't that right?</p> <p>15 A. She did.</p> <p>16 Q. And there was a book? You had a book in</p> <p>17 that course?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What other materials did you have to study</p> <p>20 for pediatrics, NUR 272?</p> <p>21 A. Just her PowerPoints and the book.</p> <p>22 Q. Did you study those things?</p> <p>23 A. Yes, sir.</p>



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<p>1 Q. Did you have the same opportunity to study</p> <p>2 those things as any other student in the</p> <p>3 class?</p> <p>4 A. Yes.</p> <p>5 Q. And you did not make an adequate number of</p> <p>6 points on your final exam to make above a D</p> <p>7 in NUR 272, did you?</p> <p>8 A. That was because there were care plans that</p> <p>9 were regraded that semester just in my</p> <p>10 clinical group --</p> <p>11 Q. First answer my question.</p> <p>12 A. Okay. Go ahead.</p> <p>13 Q. You did not make enough points in NUR 272,</p> <p>14 pediatrics, to make above a D?</p> <p>15 A. That's what Lynn Harris told me.</p> <p>16 Q. She told you that when?</p> <p>17 A. She told me that the day that she went</p> <p>18 over -- well, she didn't go over any test,</p> <p>19 the day that she said we could come in and</p> <p>20 see what our grades were.</p> <p>21 Q. Okay. What day was that?</p> <p>22 A. That, I think, might have been the day of</p> <p>23 the finals, that afternoon.</p>	<p>1 Q. She said don't worry about it; a course</p> <p>2 will be given in the summer that you can</p> <p>3 take, and everything will be cool?</p> <p>4 A. Right.</p> <p>5 Q. Did she tell you what course that was?</p> <p>6 A. No. I mean, apparently, it would be a</p> <p>7 pediatric course because that was the</p> <p>8 course that I apparently didn't have enough</p> <p>9 points.</p> <p>10 Q. So after you spoke with Lynn Harris the</p> <p>11 afternoon of the final and knew that you</p> <p>12 were not making a passing grade in</p> <p>13 Pediatrics 272, what did you do?</p> <p>14 A. I went home.</p> <p>15 Q. What did you do next in terms of school?</p> <p>16 A. Waited on graduation to be over with and</p> <p>17 then them to come back. And I started</p> <p>18 calling the school to find out when this</p> <p>19 course was going to start and what I needed</p> <p>20 to do, and that's when I got the secretary</p> <p>21 finally because nobody else would take my</p> <p>22 calls.</p> <p>23 Q. What do you mean no one else would take</p>
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<p>1 Q. After the final was over?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are those Scantrons graded by computer?</p> <p>4 A. As far as I know, they are.</p> <p>5 Q. So it's real quick to get the grade, I</p> <p>6 guess?</p> <p>7 A. Yes.</p> <p>8 Q. And so did you go in the afternoon that you</p> <p>9 took the final in pediatrics and see Lynn</p> <p>10 Harris?</p> <p>11 A. Yes.</p> <p>12 Q. Tell me about that meeting. Where were you</p> <p>13 and who was present?</p> <p>14 A. Just her in her office.</p> <p>15 Q. Was there a line again?</p> <p>16 A. Yes.</p> <p>17 Q. And tell me what was said.</p> <p>18 A. That I didn't have enough points on my</p> <p>19 final to pass. And she told me not to</p> <p>20 worry about it, that she was going to offer</p> <p>21 a class in the summer just like she did the</p> <p>22 Nursing 200 and I would be able to take</p> <p>23 that class and everything would be fine.</p>	<p>1 your calls?</p> <p>2 A. I would ask for Dixie, Lynn Harris. They</p> <p>3 were never available.</p> <p>4 Q. Who would you ask?</p> <p>5 A. The secretary.</p> <p>6 Q. So you're saying that you called the school</p> <p>7 a number of times --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- in that time frame immediately after the</p> <p>10 final exam was given in 272, NUR 272?</p> <p>11 A. Yes.</p> <p>12 Q. Where did you call from?</p> <p>13 A. Home and cell phone I'm sure.</p> <p>14 Q. What's your cell number?</p> <p>15 A. 706-566-4148. That's a new cell phone</p> <p>16 number. Do you want the old one?</p> <p>17 Q. Yes.</p> <p>18 A. 706-442-0128.</p> <p>19 Q. What service provider was that one with?</p> <p>20 A. T-Mobile.</p> <p>21 Q. T-Mobile. How about this new one?</p> <p>22 A. That's Verizon.</p> <p>23 Q. What is your home phone number?</p>

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<p>1 A. 706-596-0365.</p> <p>2 Q. That's the one in Georgia where -- were you</p> <p>3 living there at the time that you made</p> <p>4 these phone calls from home? If you called</p> <p>5 the school --</p> <p>6 A. Yes.</p> <p>7 Q. -- about the grade in NUR 272, that's where</p> <p>8 you would have been living?</p> <p>9 A. Yes.</p> <p>10 Q. And who is the service provider for that</p> <p>11 hard line?</p> <p>12 A. I guess it's BellSouth.</p> <p>13 Q. So how many times -- about how many times</p> <p>14 did you call?</p> <p>15 A. At least five times.</p> <p>16 Q. What would you say?</p> <p>17 A. I need to speak to Dixie Peterson or Lynn</p> <p>18 Harris. And I think it was the last time I</p> <p>19 called, she asked me could she help me.</p> <p>20 And I said, I need to know when this class</p> <p>21 is going to start for this pediatric class</p> <p>22 that Ms. Harris told me about. She said,</p> <p>23 well, you're not going to be able to take</p>	<p>1 have to give me just a minute and let me</p> <p>2 try and remember.</p> <p>3 I think that's right, because I know</p> <p>4 that my course forgiveness was -- that I</p> <p>5 asked for, I think that was dated May 19th,</p> <p>6 2006. So that's when she made the comment</p> <p>7 about it's not like you've got course</p> <p>8 forgiveness.</p> <p>9 Q. And that was in a meeting between you and</p> <p>10 Dixie and Dean Lowe?</p> <p>11 A. And Dean Lowe in his office.</p> <p>12 Q. Okay.</p> <p>13 A. And she also told me in his office that she</p> <p>14 would help me any way she could, to go ask</p> <p>15 Ms. Harris if she would look over the care</p> <p>16 plans and regrade those or let me redo</p> <p>17 them.</p> <p>18 I did so, and Ms. Harris told me that</p> <p>19 she had already spoken with Ms. Peterson</p> <p>20 about doing that for any student and that</p> <p>21 they had already discussed it, and that she</p> <p>22 knew that they had discussed no, that that</p> <p>23 would not be done.</p>
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<p>1 it because you didn't pass. You had two</p> <p>2 D's. So I said, what two D's did I have?</p> <p>3 Q. So the secretary said you can't take this</p> <p>4 course in the summer of 2006 because you</p> <p>5 were disqualified, basically; is that</p> <p>6 right?</p> <p>7 A. Right.</p> <p>8 Q. By virtue of the fact that you had two D's,</p> <p>9 right?</p> <p>10 A. Right.</p> <p>11 Q. When she told you that, what did you say to</p> <p>12 her?</p> <p>13 A. I went to the school.</p> <p>14 Q. That very day?</p> <p>15 A. I think I did.</p> <p>16 Q. What part of the school? Did you go to the</p> <p>17 nursing offices or --</p> <p>18 A. The nursing offices.</p> <p>19 Q. Did you see anyone?</p> <p>20 A. If I'm not mistaken, I think that's when</p> <p>21 I -- I think that's when I talked to</p> <p>22 Dixie. And then that's when a meeting was</p> <p>23 set up with Dean Lowe, I think. You'll</p>	<p>1 Q. So after the meeting with Dixie and Dean</p> <p>2 Lowe, you talked to Lynn Harris about</p> <p>3 regrading your care plans?</p> <p>4 A. Uh-huh. (Positive response.) Went back</p> <p>5 down to the nursing office.</p> <p>6 Q. Yes?</p> <p>7 A. Yes. Went back down to the nursing office</p> <p>8 and asked her about care plans. I told her</p> <p>9 what Dixie had said. And she said, I don't</p> <p>10 know why she told you that because we had</p> <p>11 already discussed it and it was no for any</p> <p>12 student.</p> <p>13 Q. To regrade, okay, care plans, can't do it.</p> <p>14 Cannot do it.</p> <p>15 All right. Tell me. When you met with</p> <p>16 Dixie and Dean Lowe -- you said that you</p> <p>17 filed your course forgiveness around May</p> <p>18 19, 2006, right --</p> <p>19 A. Correct.</p> <p>20 Q. -- that request? That was a letter, and</p> <p>21 we'll look at that in just a minute.</p> <p>22 So if that letter was May 19, 2006,</p> <p>23 when did you meet with Dixie and Dean Lowe?</p>

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<p>1 A. It was possibly the day before or two days 2 prior to. I'm not sure if there was a 3 weekend time in there or not, but I know 4 all faculty -- I was -- I called up there 5 to see if the dean was there so I could 6 bring my letter, and I was told that the 7 faculty wasn't in. I happened to catch him 8 coming down the stairs as I was going up. 9 Q. Which dean are you talking about? 10 A. Dean Hodge. 11 Q. Shortly before May 19, a day or two or if 12 there was a weekend, you met with Dixie, 13 and Dixie said something like, it's not 14 like you have course forgiveness? 15 A. It's not like you have course forgiveness, 16 Lindy. 17 Q. You're very emphatic about that. It sounds 18 like those were her exact words. 19 A. Those were her exact words. 20 Q. What did you say in response, if anything? 21 A. I just looked at her, and I was thinking to 22 myself, what's course forgiveness? I 23 didn't know anything about it. And that's</p>	<p>1 went and talked to Laurel Blackwell and 2 Dean Hodge. He came in -- 3 Q. Okay. 4 A. -- to her office. 5 Q. This was after your meeting with Dixie and 6 Dean Lowe? 7 A. I think it was. 8 Q. Was it after you filed the course for -- 9 wrote the letter about course forgiveness? 10 A. If I'm not mistaken, it was -- it was -- it 11 may have been, because I was waiting on a 12 decision from the dean about the course 13 forgiveness. 14 Q. Dean Hodge? 15 A. Yes. 16 Q. So you're saying Dixie said, why don't you 17 go see who? 18 A. She told me she didn't care who I went and 19 talked to. 20 Q. Dixie -- 21 A. Yes. 22 Q. -- said that? So what did you do? 23 A. I went and talked to Laurel Blackwell, and</p>
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<p>1 when I went and researched my course 2 catalog. 3 Q. But you didn't say anything and y'all 4 didn't discuss it in that meeting? 5 A. No. 6 Q. And Dean Lowe didn't discuss it in that 7 meeting with you? 8 A. No. 9 Q. So that's all that was said, was just that 10 comment -- 11 A. Correct. 12 Q. -- about course forgiveness? 13 What else was said in that meeting? 14 A. I don't remember everything that was said, 15 but it was basically about they would help 16 me any way they could and apologetic, sorry 17 this has happened to you, and that was 18 pretty much the basis of it. 19 Q. And then you went to see Lynn Harris. Lynn 20 Harris said I can't regrade the care plans? 21 A. Correct. There was some point in time, and 22 I don't remember exactly when, that Dixie 23 told me to go talk to whoever. And so I</p>	<p>1 Dean Hodge was in on that meeting. And it 2 was not a scheduled meeting. I went up and 3 sat in the office and waited on her. 4 Q. Would this have also been in May? 5 A. Yes, sir. 6 Q. So what was said in that meeting? 7 A. She basically told me that she had nothing 8 do with the academics, that it was their 9 decision, and that was the extent of that. 10 Q. Did Dean Hodge say anything? 11 A. I don't recall him saying anything. I 12 think he was just sitting in. 13 Q. Okay. 14 A. I may have asked him at that point about 15 the course forgiveness. 16 Q. Tell me what you recall. Don't guess, 17 speculate or -- 18 A. I know there was at some point in time that 19 I did contact him by phone and ask him 20 about the course forgiveness, and he told 21 me that it had to go through some sort of 22 process -- I don't know what -- but he 23 didn't have an answer for me yet. And then</p>

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1 I received a letter in the mail saying that  
2 academic bankruptcy was not granted due to  
3 the fact that the course numbers didn't  
4 match.  
5 Q. Do you have that letter?  
6 A. Uh-huh. (Positive response.) And I think  
7 there was a copy -- I'm sorry. Yes.  
8 Q. Was this a letter from Dean Hodge?  
9 A. Yes, sir, I believe so.  
10 (Brief interruption.)  
11 (Defendant's Exhibit 3 was marked  
12 for identification.)  
13 Q. Ms. Wright, what is your understanding of  
14 course forgiveness, what it is?  
15 A. Course forgiveness, it's -- my  
16 understanding is if you fail a class, you  
17 repeat that class. And your GPA does not  
18 change, but that letter grade gets dropped  
19 in place of whatever you've made on the  
20 second course if you've passed it  
21 successfully.  
22 Q. So your understanding is that if you take a  
23 course and you fail it and then you take it

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1 over again and you pass it, that the grade  
2 taken -- that you got the second time  
3 replaces the failure and you move forward?  
4 A. Correct.  
5 Q. And the failure is forgiven? Is that what  
6 you're saying occurs?  
7 A. Correct. And I also asked Ms. Alexander  
8 about that, to clarify so I knew what was  
9 going on and so my understanding would be  
10 correct, if that was -- if that was  
11 correct.  
12 Q. So Ms. Alexander explained to you what  
13 course forgiveness is?  
14 A. Yes, sir.  
15 Q. Is that correct?  
16 A. Yes.  
17 Q. Now, you say that she's in the main office,  
18 correct?  
19 A. Correct.  
20 Q. In admissions; is that right?  
21 A. I'm not sure where she's at, but Dean Hodge  
22 is the one that told me that she handles  
23 course forgiveness. I don't know what her

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1 duties are, but he did tell me that she  
2 handles course forgiveness.  
3 Q. Now, let me ask you this. I take it that  
4 the idea of course forgiveness came to you  
5 when Dixie Peterson commented it's not like  
6 you have course forgiveness, Lindy,  
7 correct?  
8 A. Correct.  
9 Q. But, now, she did not tell you to apply for  
10 course forgiveness, did she?  
11 A. No.  
12 Q. And she did not tell you that course  
13 forgiveness was available, did she?  
14 A. No.  
15 Q. And neither did Dean Lowe, did he?  
16 A. No.  
17 Q. And isn't it correct that you researched  
18 the handbook or the listings of the various  
19 people at the school and determined that  
20 Dean Hodge was the one you needed to talk  
21 to?  
22 A. Correct.  
23 Q. And you saw in reading the handbook or the

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1 catalog that it was up to a student to  
2 request course forgiveness, correct?  
3 A. Correct.  
4 Q. And therefore, you wrote the letter of May  
5 19, 2006, to Dean Hodge and requested  
6 course forgiveness, right?  
7 A. Right.  
8 Q. And all of that was based on your own  
9 research, correct?  
10 A. Correct.  
11 Q. And it was not based on anything that  
12 anybody within the nursing department told  
13 you, correct?  
14 A. Correct.  
15 Q. And you understand, don't you, Ms. Wright,  
16 that course forgiveness is not available  
17 for the nursing program?  
18 A. No. There's nowhere in the catalog that it  
19 states course forgiveness -- the nursing  
20 program classes are exempt from course  
21 forgiveness.  
22 Q. Has anyone told you that course forgiveness  
23 is not available in the nursing program?



Deposition of Lindy Wright

<p style="text-align: right;">Page 173</p> <p>1 A. No.</p> <p>2 Q. Is my question today the first thing you've</p> <p>3 heard -- ever heard about the possibility</p> <p>4 that course forgiveness is not available in</p> <p>5 the nursing program?</p> <p>6 A. Can I ask you what you mean? Do I know of</p> <p>7 anybody else that has received course</p> <p>8 forgiveness for a nursing class?</p> <p>9 Q. No.</p> <p>10 A. Okay. Because I'm going to --</p> <p>11 Q. My question is this. Is my question today</p> <p>12 as we sit here right now about the fact</p> <p>13 that course forgiveness does not apply to</p> <p>14 the nursing program the first time you've</p> <p>15 ever heard that?</p> <p>16 A. With this letter that I received? No --</p> <p>17 Yeah, it is. That's the first time I've</p> <p>18 ever heard that, because I researched in</p> <p>19 the catalog and it's not there.</p> <p>20 Q. Do you know anyone in the nursing program</p> <p>21 that's ever received course forgiveness?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Who?</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. -- in Nursing 272?</p> <p>2 A. Yes.</p> <p>3 Q. Did Corolla Rambo graduate from the RN</p> <p>4 program?</p> <p>5 A. Yes, she did.</p> <p>6 Q. What makes you think that she received</p> <p>7 course forgiveness for NUR 272?</p> <p>8 A. She told me.</p> <p>9 Q. In pediatrics?</p> <p>10 A. She told me she did.</p> <p>11 Q. When did she tell you this?</p> <p>12 A. After she applied and received course</p> <p>13 forgiveness. I don't know the exact times</p> <p>14 and dates.</p> <p>15 Q. Had she flunked another course besides 272?</p> <p>16 A. Not that I'm aware of as far as a nursing</p> <p>17 class.</p> <p>18 Q. That's what I'm asking about.</p> <p>19 A. No.</p> <p>20 Q. A class that was required within the</p> <p>21 nursing program that you were involved in.</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Has Ms. Rambo ever shown you any letter or</p>
<p style="text-align: right;">Page 174</p> <p>1 A. Corolla Rambo.</p> <p>2 Q. Okay. How do you know about her receiving</p> <p>3 it?</p> <p>4 A. Because she was one of the students that</p> <p>5 was said to have failed Nursing 272, which</p> <p>6 was the last class offered that year, the</p> <p>7 pediatric class.</p> <p>8 Q. Corolla Rambo was a contemporary of yours</p> <p>9 in school, right?</p> <p>10 A. Right.</p> <p>11 Q. I mean, she was in the same progression?</p> <p>12 Started the same time, was going to</p> <p>13 graduate at the same time, correct?</p> <p>14 A. Right.</p> <p>15 Q. And you're saying y'all were in the same</p> <p>16 272 class --</p> <p>17 A. Correct.</p> <p>18 Q. -- together?</p> <p>19 A. Yes.</p> <p>20 Q. With Lynn Harris, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that both of you made a D --</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 any document that verifies what she's</p> <p>2 saying about having received course</p> <p>3 forgiveness?</p> <p>4 A. No, sir. I've not asked to see anything.</p> <p>5 Q. Do you know where Ms. Rambo is now?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Where?</p> <p>8 A. She lives in Columbus and she works in</p> <p>9 Phenix City.</p> <p>10 Q. Where does she work?</p> <p>11 A. She works at Canterbury Nursing Home.</p> <p>12 Q. Do you know if she's married?</p> <p>13 A. I think she is.</p> <p>14 Q. Do you know what her husband's name is?</p> <p>15 A. I don't.</p> <p>16 Q. But she does live in Columbus?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you know of anyone else that you believe</p> <p>19 has received course forgiveness that's in</p> <p>20 the nursing program?</p> <p>21 A. No, sir, not course forgiveness.</p> <p>22 Q. Okay. She's the only one you're aware of?</p> <p>23 A. That has received course forgiveness.</p>



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1 Q. That you believe has received course  
2 forgiveness?  
3 A. Correct.  
4 Q. Whatever. All right. Rambo.  
5 All right. Now, you said not course  
6 forgiveness, and you distinguished course  
7 forgiveness from something else. What did  
8 you mean to distinguish course forgiveness  
9 from?  
10 A. That has received special treatment.  
11 Q. Okay. Special treatment. What do you mean  
12 by special treatment?  
13 A. Has been able to come back to the program  
14 after two failures or has been able to  
15 rectify their wrong instead of having to  
16 come back the following year or pay for  
17 classes or take -- repeat the class.  
18 Q. Let's take one classification of special  
19 treatment at a time. Okay?  
20 A. Okay.  
21 Q. What is your understanding of anyone in the  
22 nursing program that has received what you  
23 call special treatment?

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1 A. There was a student the first half of the  
2 second semester that came into one of our  
3 clinical labs that was held at the school,  
4 and she had not been in any of our classes  
5 and --  
6 Q. You said the first half of what semester?  
7 A. The second semester.  
8 Q. Okay. I'm sorry. Go ahead.  
9 A. And not just myself, but everyone was  
10 asking who the girl was.  
11 Q. Who was she?  
12 A. Her name was Arit Dan Umoh. And she was a  
13 student from the previous year that was  
14 taking, I guess, a pediatric course is what  
15 I was told before it was offered. And she  
16 was there that day performing clinical  
17 check-offs with the rest of us in my class.  
18 Q. Was Arit Dan -- how do you say it?  
19 A. Umoh. I think that's how you say it.  
20 Q. Was she enrolled in your clinical class?  
21 A. No, sir, she was not enrolled in my  
22 clinical class.  
23 Q. But she came to that class is what you

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1 you're saying?  
2 A. She came to that clinical check-off.  
3 Q. Which clinical was that?  
4 A. It was just a check-off that we had to do.  
5 Q. But, I mean, what course did the clinical  
6 go with? Don't you have a lecture and a  
7 clinical?  
8 A. It was the second -- it was the beginning  
9 of the second semester, so it had to be the  
10 OB and the adult nursing because I think  
11 that's when we started doing our clinicals  
12 in the hospital.  
13 Q. Okay.  
14 A. Before we did -- Before we started doing  
15 the clinicals in the hospital, we had to do  
16 a check-off, and she was there that day.  
17 Q. What did you say? OB and what?  
18 A. The OB and the adult nursing.  
19 Q. Adult nursing.  
20 A. Yes, sir.  
21 Q. What is a check-off?  
22 A. How to start IVs, to make sure that you're  
23 competent enough to start IVs. We had to

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1 do a check-off with Foley catheters.  
2 That's all I can recall from that day.  
3 Q. And a check-off, if I hear you correctly --  
4 and tell me if I'm wrong. A check-off is  
5 where you perform a task, and if you  
6 perform it adequately, that task is checked  
7 off of the list of things you need to be  
8 able to do before you become an RN; is that  
9 right?  
10 A. Before you're able to go into the clinical  
11 setting.  
12 Q. The actual hospital setting?  
13 A. Uh-huh. (Positive response.) Correct.  
14 But not for you to be able to sit for your  
15 boards or become an RN --  
16 Q. Ultimately, though --  
17 A. Correct.  
18 Q. Ultimately, you've got to be able to do a  
19 Foley catheter in order to go to the  
20 hospital for your clinical and thereby get  
21 to the point where you can take the license  
22 exam, right?  
23 A. Correct.

<p style="text-align: right;">Page 181</p> <p>1 Q. Do you know what Ms. Umoh was doing in</p> <p>2 terms of her check-off? Was it the same</p> <p>3 things y'all were doing?</p> <p>4 A. As far as the check-offs, yes, starting IVs</p> <p>5 and sterile technique and putting in a</p> <p>6 Foley.</p> <p>7 Q. Did you say she came into this clinical</p> <p>8 class in the middle of the year?</p> <p>9 A. No, it was the beginning of that second</p> <p>10 semester.</p> <p>11 Q. And you're saying she did not stay there,</p> <p>12 correct?</p> <p>13 A. Not -- She was not in any of my clinical</p> <p>14 groups or in my classroom group. I was</p> <p>15 told that she had, I guess, like a -- an</p> <p>16 independent study.</p> <p>17 Q. Who told you she had an independent study?</p> <p>18 A. Sandy Gunnels, Wendy Wall and Lynn Harris</p> <p>19 had made a comment about her -- well, not</p> <p>20 about her -- didn't call her name</p> <p>21 specifically, but said she had a student.</p> <p>22 And that was the only student that was not</p> <p>23 with everyone else that I knew about.</p>	<p style="text-align: right;">Page 183</p> <p>1 A. No, I don't.</p> <p>2 Q. Has anyone told you who approved it?</p> <p>3 A. Yes.</p> <p>4 Q. Who told you?</p> <p>5 A. Sandy Gunnels and Wendy Wall had made a</p> <p>6 comment that the dean and Dixie approved</p> <p>7 her to come back.</p> <p>8 Q. Wall, W-A-L-L?</p> <p>9 A. Uh-huh. (Positive response.)</p> <p>10 Q. Wendy Wall. Where does Wendy Wall work?</p> <p>11 A. If I'm not mistaken, I think she's working</p> <p>12 for Columbus Tech.</p> <p>13 Q. Was she working for Columbus Tech when you</p> <p>14 spoke to them and they told you this?</p> <p>15 A. No, sir. They were working for CVCC.</p> <p>16 Q. When did Sandy Gunnels leave CVCC?</p> <p>17 A. That second semester.</p> <p>18 Q. The spring of '06?</p> <p>19 A. Yes, sir. That was the OB and the peds --</p> <p>20 if that's spring. Is that spring?</p> <p>21 Q. Tell me what month and year that Sandy</p> <p>22 Gunnel's left CVCC.</p> <p>23 A. Okay. We started in May, and that went</p>
<p style="text-align: right;">Page 182</p> <p>1 Q. Lynn Harris?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Lynn Harris said I have a student that</p> <p>4 what?</p> <p>5 A. That she had to do independent study with.</p> <p>6 Q. Did she say why she had to do an</p> <p>7 independent study with her?</p> <p>8 A. No.</p> <p>9 Q. Do you know why she had to do an</p> <p>10 independent study with her?</p> <p>11 A. Because she didn't pass from the previous</p> <p>12 year.</p> <p>13 Q. Didn't pass what from the previous year?</p> <p>14 A. Didn't pass the nursing courses from the</p> <p>15 previous year.</p> <p>16 Q. So you're saying that someone okayed her</p> <p>17 taking this independent study or doing this</p> <p>18 independent study to complete her</p> <p>19 requirements for the nursing program?</p> <p>20 A. Correct.</p> <p>21 Q. Do you know who approved that?</p>	<p style="text-align: right;">Page 184</p> <p>1 through August; is that correct?</p> <p>2 Q. I'm asking you.</p> <p>3 A. I think that's right. I think that's</p> <p>4 right. It stopped in August. The first</p> <p>5 semester stopped in August and then picked</p> <p>6 back up -- I don't know exactly the date</p> <p>7 that they picked back up, but it was the</p> <p>8 first week of the second semester --</p> <p>9 Q. Okay.</p> <p>10 A. -- that we did the clinical check-off.</p> <p>11 Q. Who did Sandy Gunnels say had approved the</p> <p>12 independent study?</p> <p>13 A. Dixie Peterson and Dean Lowe.</p> <p>14 Q. What reason did she give for them approving</p> <p>15 it?</p> <p>16 A. That she came back -- well, she came up to</p> <p>17 the school with her attorney at her side</p> <p>18 and they let her come back.</p> <p>19 Q. Do you know how Sandy Gunnels supposedly</p> <p>20 knew this?</p> <p>21 A. The only thing I know is that she was an</p>

<p style="text-align: right;">Page 185</p> <p>1 Q. Was Wendy Wall an instructor there at the</p> <p>2 time?</p> <p>3 A. She was a clinical instructor.</p>	<p style="text-align: right;">Page 187</p> <p>1 last?</p> <p>2 A. Probably about three weeks ago, two or</p> <p>3 three weeks ago.</p>
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<p style="text-align: right;">Page 185</p> <p>1 Q. Was Wendy Wall an instructor there at the</p> <p>2 time?</p> <p>3 A. She was a clinical instructor.</p> <p>4 Q. Clinical. Do you know a person named</p> <p>5 Brenda Bellamy?</p> <p>6 A. Yes.</p> <p>7 Q. How do you know Brenda Bellamy?</p> <p>8 A. She was my instructor in the RN program at</p> <p>9 CVCC the first semester starting in May.</p> <p>10 Q. Of the --</p> <p>11 A. RN program.</p> <p>12 Q. What course in the RN program?</p> <p>13 A. I'm not sure what the first courses we</p> <p>14 took. I don't know the names of them right</p> <p>15 off the top of my head.</p> <p>16 Q. What you're saying is, Brenda Bellamy was a</p> <p>17 professor of yours?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Beginning in June 2005, the summer</p> <p>20 semester?</p> <p>21 A. May 2005.</p> <p>22 Q. May 2005. Have you spoken with Brenda</p> <p>23 Bellamy since you finished her course?</p>	<p style="text-align: right;">Page 187</p> <p>1 last?</p> <p>2 A. Probably about three weeks ago, two or</p> <p>3 three weeks ago.</p> <p>4 Q. Can you tell me about that?</p> <p>5 A. I called her because Ms. Cooley told me</p> <p>6 that she would be subpoenaed to -- I guess</p> <p>7 today or needed to come in today for a</p> <p>8 deposition. So I called her to let her</p> <p>9 know that the attorney would be contacting</p> <p>10 her, and that was the extent of that</p> <p>11 conversation.</p> <p>12 Q. Before that, when was the last time you</p> <p>13 talked to her?</p> <p>14 A. While we were in nursing school, we ran</p> <p>15 into her. Myself and some of the students</p> <p>16 went to eat at TGIFriday's over in</p> <p>17 Columbus, and we ran into her in the</p> <p>18 restaurant.</p> <p>19 Q. Did you have any lengthy conversation with</p> <p>20 her?</p> <p>21 A. Yeah, I sat down at the table with her and</p> <p>22 her husband.</p> <p>23 Q. Tell me about that.</p>
<p style="text-align: right;">Page 186</p> <p>1 A. Yes, sir.</p> <p>2 Q. Did you have Brenda Bellamy for any course</p> <p>3 other than the one you took in the summer</p> <p>4 semester of 2005?</p> <p>5 A. For the first -- maybe the first couple of</p> <p>6 days of the second semester, and that was</p> <p>7 it --</p> <p>8 Q. What course?</p> <p>9 A. -- from the first semester to the second</p> <p>10 semester.</p> <p>11 She would have been the teacher for, I</p> <p>12 guess, the Adult Nursing II. I think the</p> <p>13 course syllabus has her name on it.</p> <p>14 Q. Who took over that course?</p> <p>15 A. Lynn Harris.</p> <p>16 Q. That would have been NUR 272; is that</p> <p>17 right?</p> <p>18 A. No, that was -- yeah -- well, no, that was</p> <p>19 the 252.</p> <p>20 Q. Okay.</p> <p>21 A. Brenda Bellamy was the instructor for 252,</p> <p>22 and then Lynn Harris took over.</p> <p>23 Q. So when did you talk to Brenda Bellamy</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Just asking how she was doing, what was</p> <p>2 going on. Told her that I'd had some</p> <p>3 problems in the second semester after she</p> <p>4 left, and that was the extent of that. She</p> <p>5 said that she wouldn't work for CVCC again</p> <p>6 and she was glad to be gone.</p> <p>7 Q. Did she say why?</p> <p>8 A. Lots of problems. We didn't go into</p> <p>9 detail.</p> <p>10 Q. Do you know her husband's name?</p> <p>11 A. I do not.</p> <p>12 Q. Do you know whether Brenda Bellamy and</p> <p>13 Sandy Gunnels are friends?</p> <p>14 A. I don't know that.</p> <p>15 Q. Do you know where Brenda Bellamy works now?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Where?</p> <p>18 A. Doctors Hospital.</p> <p>19 Q. Do you know what she's doing?</p> <p>20 A. I think she works down in triage.</p> <p>21 Q. Has Brenda Bellamy ever helped you with any</p> <p>22 course while you were at CVCC, your RN</p> <p>23 courses?</p>

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<p>1 A. Helped me or taught me?</p> <p>2 Q. Well, not taught you, but helped you on an</p> <p>3 outside basis or an extracurricular basis.</p> <p>4 A. No.</p> <p>5 Q. Does Brenda Bellamy know anything about the</p> <p>6 courses that you failed and about the</p> <p>7 lawsuit that you filed?</p> <p>8 A. Yes.</p> <p>9 Q. How does she know that?</p> <p>10 A. Because in crossing at the hospital, she</p> <p>11 asked me how I did and I told her that I</p> <p>12 didn't pass and that I was seeking legal</p> <p>13 advice.</p> <p>14 Q. Tell me when that occurred.</p> <p>15 A. Probably a year ago.</p> <p>16 Q. What did she say?</p> <p>17 A. She was sorry.</p> <p>18 Q. You were telling me about special</p> <p>19 treatment, and you've told me about</p> <p>20 Ms. Umoh -- or at least what you were --</p> <p>21 basically what you've been told about</p> <p>22 Ms. Umoh, correct?</p> <p>23 A. Correct.</p>	<p>1 was told that she failed the year that she</p> <p>2 was there. Then I was told that she failed</p> <p>3 again when she came back.</p> <p>4 And I was told that -- I think Sylvia</p> <p>5 Shirley or -- I don't know the lady's</p> <p>6 first -- last name. I don't know which</p> <p>7 order it goes. But I was told that they</p> <p>8 had her check her off in the clinical</p> <p>9 setting so they could pass her and move her</p> <p>10 on through.</p> <p>11 Q. Who is Sylvia Shirley?</p> <p>12 A. She was one of the clinical instructors</p> <p>13 that I had for pediatrics.</p> <p>14 Q. Was she there at the school or was she in</p> <p>15 the hospital?</p> <p>16 A. I saw her in the hospital.</p> <p>17 Q. Which hospital does she work in?</p> <p>18 A. If she's still there, she works at the</p> <p>19 Medical Center on the pediatric floor.</p> <p>20 Q. Now, let me goback. I want to make sure I</p> <p>21 understand this about Ms. Umoh. Ms. Umoh</p> <p>22 the year before you took 272, NUR 272, took</p> <p>23 that course and did not pass it; is that</p>
Page 190	Page 192
<p>1 Q. You don't have any personal knowledge of</p> <p>2 these things; isn't that correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is there anything else about Ms. Umoh that</p> <p>5 you haven't told me in terms of special</p> <p>6 treatment?</p> <p>7 A. Things that I've been told?</p> <p>8 Q. Yes.</p> <p>9 A. I was told that she failed in clinical and</p> <p>10 in the classroom, that peds class.</p> <p>11 Q. What class?</p> <p>12 A. The pediatric class, the 272.</p> <p>13 Q. When did she do that?</p> <p>14 A. I was told that she did that the year</p> <p>15 before -- the year that she was in the</p> <p>16 nursing program, and I was also told that</p> <p>17 she didn't pass with Ms. Harris in the</p> <p>18 classroom setting. That's what somebody</p> <p>19 had heard, that she did not pass in the</p> <p>20 classroom setting and --</p> <p>21 Q. That was back in the 272 course that she</p> <p>22 had taken previously, the one she failed?</p> <p>23 A. No, that was the year that I was there. I</p>	<p>1 right?</p> <p>2 A. That's what I was told.</p> <p>3 Q. And then in the fall semester 2005,</p> <p>4 Ms. Umoh was back; is that right?</p> <p>5 A. Correct.</p> <p>6 Q. And that's when she took the independent</p> <p>7 study?</p> <p>8 A. Correct.</p> <p>9 Q. With Lynn Harris?</p> <p>10 A. Correct.</p> <p>11 Q. Did the independent study involve going to</p> <p>12 class?</p> <p>13 A. She didn't come to any of our classes. She</p> <p>14 just came to the clinical check-off.</p> <p>15 Q. When was it that she flunked the class</p> <p>16 portion of Ms. Harris's course?</p> <p>17 A. I don't know.</p> <p>18 Q. Somebody told you that, though, right?</p> <p>19 A. Correct.</p> <p>20 Q. They told you that -- someone told you that</p> <p>21 she flunked the class part and the clinical</p> <p>22 part, right?</p> <p>23 A. Correct.</p>

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<p>1 Q. And that was the same year -- that was fall 2 of '05, right? 3 A. Correct. 4 Q. And who told you that? 5 A. Sandy Gunnels said that somebody had told 6 her that. I'm not for sure who that 7 someone was, but I think she said that 8 Wendy Wall told her that. 9 Q. Okay. So, again, Ms. Umoh did not graduate 10 is what we're saying, right? 11 A. Yeah, she graduated. 12 Q. She graduated when? 13 A. I'm not real sure. I assume that it was 14 2006, because I know she has her license 15 now. 16 Q. I thought you said that someone told you 17 that she failed again after -- 18 A. She did. That's what I was told. 19 Q. By Sandy Gunnels? 20 A. Correct. 21 Q. That Ms. Umoh failed again in 2006 or 2005? 22 A. The class was given -- that particular 23 class for her was given in 2005.</p>	<p>1 throughout the second semester with Lynn 2 Harris. The day of finals, I was talking 3 to Ms. Harris and she said that she didn't 4 have time because she had a student that 5 had to take a drug calculation test over, 6 and it was Elise Sizemore. 7 Q. Elise Sizemore was a contemporary of yours 8 in school, correct? 9 A. Correct. 10 Q. Y'all were in the same class together which 11 involved drug calculation tests, correct? 12 A. Correct. 13 Q. Elise Sizemore failed the drug calculation 14 part, right? 15 A. Correct. 16 Q. You're saying that Elise Sizemore was 17 allowed to take the drug calculation -- 18 A. Calculation up until the day of the final, 19 and she passed the day of the final. 20 Q. Okay. 21 A. And you were supposed to have passed those 22 tests before you gave medication in the 23 clinical setting at the hospitals.</p>
Page 194	Page 196
<p>1 Q. Right, the independent study? 2 A. Correct. 3 Q. And Sandy Gunnels told you Ms. Umoh failed 4 the independent study; is that right? 5 A. Sandy told me that's what she had heard. 6 Q. So when did Ms. Umoh graduate? Did Sandy 7 Gunnels tell you that? 8 A. No, she didn't. I have no idea. 9 Q. Did Sandy Gunnels tell you anything else 10 about Ms. Umoh? 11 A. No. 12 Q. Now, that's Ms. Umoh. Let's go to another 13 situation on special treatment. 14 Apparently, there were others that you were 15 going to tell me about, right? 16 A. Yes, sir. 17 Q. Okay. Let's go. 18 A. Elise Sizemore, we were given drug 19 calculation tests and we were supposed to 20 have those tests three times. If we didn't 21 pass by the third time, then we were out of 22 the program. 23 She took drug calculation tests</p>	<p>1 Q. Are you aware of her giving medication in 2 the hospitals in the clinical setting 3 before she passed those tests? 4 A. I'm not, but she told me that she did. 5 Q. Who let her do that? 6 A. I can't remember the -- I didn't have that 7 lady for clinicals. I can't remember her 8 name. If you'll give me just a minute, I 9 might be able to recall. 10 Q. What hospital was it? 11 A. It was the Medcal Center. 12 Q. What floor? 13 A. I'm not sure what floor. 14 Q. Where is Elise Sizemore now? 15 A. She works for St. Francis. 16 Q. Where? What floor? 17 A. She works, I think, two. 2north. 18 Q. What course number would that have been? 19 252? 20 A. 252. 21 Q. Is it correct or incorrect that the drug 22 calculation part was a portion of a test, 23 not a complete or a whole test?</p>



Page 197	Page 199
<p>1 A. No. The drug calculation that we took was</p> <p>2 a test on its own to make sure that we knew</p> <p>3 how to calculate the medications before we</p> <p>4 went into the clinical setting.</p> <p>5 Q. When did y'all first take a drug</p> <p>6 calculation test in NUR 252?</p> <p>7 A. We didn't have instruction for the first</p> <p>8 five weeks of class, so it had to be when</p> <p>9 Ms. Harris came on board.</p> <p>10 Q. Had to be after that for sure?</p> <p>11 A. A week or two after.</p> <p>12 Q. If you didn't have instruction --</p> <p>13 A. It was probably the second week that she</p> <p>14 was there.</p> <p>15 Q. Did you pass your drug calculation test?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you pass on the first time?</p> <p>18 A. I'm not sure if I passed that one the first</p> <p>19 time or the second time.</p> <p>20 Q. But what you're saying is, that is a</p> <p>21 separate and distinct test apart from any</p> <p>22 other test; is that correct?</p> <p>23 A. Correct.</p>	<p>1 you didn't pass the third time --</p> <p>2 Q. You're out?</p> <p>3 A. Right.</p> <p>4 Q. You're out of the program?</p> <p>5 A. That's the way it reads. You're out of</p> <p>6 that specific class until the next class is</p> <p>7 offered. I don't think you're out of the</p> <p>8 program, but you're out of --</p> <p>9 Q. You fail that course; is that right?</p> <p>10 A. Correct, because that's part of the</p> <p>11 clinical portion.</p> <p>12 Q. And when you say that's the way it reads,</p> <p>13 what are you referring?</p> <p>14 A. I think it's in the syllabus.</p> <p>15 Q. I'm going to show you Defendant's Exhibit</p> <p>16 3, which is a June 30, 2006, letter from</p> <p>17 David N. Hodge to you. I'll ask you</p> <p>18 whether that is the letter you received</p> <p>19 from Dr. Hodge relative to your course</p> <p>20 forgiveness request.</p> <p>21 A. Yes.</p> <p>22 Q. With regard to the course forgiveness, the</p> <p>23 rule relative to whether a nursing student</p>
Page 198	Page 200
<p>1 Q. Is there more than one of those?</p> <p>2 A. Yes, I think so. I think they give -- if</p> <p>3 I'm not mistaken -- I'm trying to decipher</p> <p>4 between LPN and RN. I think they give one</p> <p>5 for the pediatric, also, or it may be just</p> <p>6 one with -- I think it's just one with a</p> <p>7 mixture of -- I think it was one with a</p> <p>8 mixture of pediatric calculations as well</p> <p>9 as adult. I think it's one.</p> <p>10 Q. So you don't recall whether you passed it</p> <p>11 the first time or the second time?</p> <p>12 A. I think I passed the second time because it</p> <p>13 was -- it was something -- I can't remember</p> <p>14 exactly what it was, but it was nothing</p> <p>15 major. I think I missed one question.</p> <p>16 Q. Do you have to get them all right?</p> <p>17 A. Correct, but I passed the second time.</p> <p>18 Q. Why were you allowed to take it again?</p> <p>19 A. Because you have three chances to pass.</p> <p>20 Q. So you could --</p> <p>21 A. If you didn't pass the first time, you got</p> <p>22 a second chance. If you didn't pass the</p> <p>23 second time, you got a third chance. If</p>	<p>1 can obtain course forgiveness for any</p> <p>2 nursing course is either a nursing student</p> <p>3 can get course forgiveness for a nursing</p> <p>4 course or a nursing student in the RN</p> <p>5 program cannot get course forgiveness for a</p> <p>6 nursing course, right? It has to be one or</p> <p>7 the other; isn't that right?</p> <p>8 A. Correct.</p> <p>9 Q. If it's correct that the course forgiveness</p> <p>10 rule with regard to the nursing students is</p> <p>11 that they cannot get course forgiveness,</p> <p>12 then irrespective of what anybody said --</p> <p>13 Dr. Hodge or Ms. Alexander or anybody</p> <p>14 else -- that's the rule, right?</p> <p>15 A. Right.</p> <p>16 Q. Let's look at these real quick.</p> <p>17 MR. NIX: I don't know what's</p> <p>18 what, but I'm going to mark</p> <p>19 Nursing 252, the Adult Nursing</p> <p>20 II Clinical Syllabus, as</p> <p>21 Defendant's Exhibit 4.</p> <p>22 A. Do you want me to tell you what page it's</p> <p>23 on?</p>

<p style="text-align: right;">Page 201</p> <p>1 Q. Wait a minute and let me mark this.</p> <p>2 MR. NIX: Im going to mark</p> <p>3 Nursing 252, Adult Health</p> <p>4 Nursing II, as Defendant's</p> <p>5 Exhibit 5.</p> <p>6 (Defendant's Exhibits 4 and 5 were</p> <p>7 marked for identification.)</p> <p>8 Q. I'll show you both of them. Tell me which</p> <p>9 book it's in.</p> <p>10 MR. DUMBUYA: Excuse me. Which</p> <p>11 one is number four?</p> <p>12 MR. NIX: Four is the clinical</p> <p>13 syllabus, and five does not</p> <p>14 say clinical on it. It just</p> <p>15 says Fall Semester, Adult</p> <p>16 Health Nursing II.</p> <p>17 Q. I assume that's the -- What would you say</p> <p>18 that is? If it's not clinical, it's what?</p> <p>19 A. This is the classroom portion.</p> <p>20 MS. COOLEY: Is that 252?</p> <p>21 MR. NIX: Yes. Exhibit 5 is the</p> <p>22 classroom portion.</p> <p>23 Q. Did you say that you could show me where</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. So the only person that you're aware of</p> <p>2 that ever got to take this calculation --</p> <p>3 medication dosage calculation exam more</p> <p>4 than three times is Elise Sizemore,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. You know of no other person that's ever</p> <p>8 been allowed to do that there, correct?</p> <p>9 A. No, sir.</p> <p>10 Q. You were allowed to take it two times,</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. And you're saying that's within the</p> <p>14 guideline, but Elise Sizemore was given</p> <p>15 special treatment because she got to take</p> <p>16 it more than three times?</p> <p>17 A. Correct.</p> <p>18 Q. How does that affect you?</p> <p>19 A. Well, or she took it three times up until</p> <p>20 the day of finals, and she was allowed to</p> <p>21 go into the clinical setting and give</p> <p>22 medication.</p> <p>23 And it says in the clinical syllabus,</p>
<p style="text-align: right;">Page 202</p> <p>1 this is?</p> <p>2 A. Yes, sir. It's on page five of the</p> <p>3 classroom portion of Nursing 252, Adult</p> <p>4 Health Nursing. And it's also --</p> <p>5 Q. Where is it on page five?</p> <p>6 A. It's number two under course requirements.</p> <p>7 Q. Course requirements. Students are expected</p> <p>8 to attend all classes. Number two,</p> <p>9 satisfactory completion of a medication</p> <p>10 dosage calculation exam. Student will be</p> <p>11 given up to three chances to achieve 100</p> <p>12 percent. Is that what you're referring to?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And you're saying that it's against the</p> <p>15 rules for anyone to have more than three</p> <p>16 chances; is that right?</p> <p>17 A. That's what we've always been told.</p> <p>18 Q. Well, I mean, you're referring to the</p> <p>19 syllabus, right?</p> <p>20 A. Correct.</p> <p>21 Q. Who's told you that?</p> <p>22 A. All of the instructors that I've had in LPN</p> <p>23 school and RN school.</p>	<p style="text-align: right;">Page 204</p> <p>1 also, on page four --</p> <p>2 Q. Defendant's Exhibit 4 is the clinical</p> <p>3 syllabus. On page four. Okay. Where on</p> <p>4 page four?</p> <p>5 A. Under Roman numeral three, clinical math</p> <p>6 proficiency quiz.</p> <p>7 Q. The student must pass the math</p> <p>8 computational quiz with 100 percent</p> <p>9 accuracy in order to give medications. If</p> <p>10 the student does not pass the quiz in three</p> <p>11 attempts, subsequent course failure will</p> <p>12 result.</p> <p>13 Now, you just said in the alternative.</p> <p>14 Okay? Either she was allowed to take it</p> <p>15 three times up to the final or she was</p> <p>16 allowed to take it more than three times or</p> <p>17 she was allowed -- she took it three times</p> <p>18 and never passed it and was allowed to give</p> <p>19 medication in a clinical setting, right?</p> <p>20 A. Correct.</p> <p>21 Q. Do you know which --</p> <p>22 A. No, sir.</p> <p>23 Q. -- is correct? You do not know?</p>

July 13, 2007

Deposition of Lindy Wright

<p style="text-align: right;">Page 205</p> <p>1 A. No, I don't know if she was allowed to take</p> <p>2 it more than three times or three times up</p> <p>3 until, but we were always told that we were</p> <p>4 taking these calculation tests before we</p> <p>5 set foot into the clinical setting to make</p> <p>6 sure that we were competent enough to do</p> <p>7 the drug calculations that may be requested</p> <p>8 of us by our instructors. And those were</p> <p>9 to be passed before we set foot into the</p> <p>10 hospital to give medications.</p> <p>11 Q. What I want to make sure I understand is</p> <p>12 this. You do not know whether Ms. Sizemore</p> <p>13 was allowed to take the exam more than</p> <p>14 three times before the final exam. Isn't</p> <p>15 that correct?</p> <p>16 A. Correct.</p> <p>17 Q. And you do not know on the other hand</p> <p>18 whether she was allowed to take it three</p> <p>19 times up to the final, didn't pass it in</p> <p>20 the third try, yet was allowed to give</p> <p>21 medication in the clinical setting, right?</p> <p>22 A. Correct.</p> <p>23 Q. But you're saying one of those is true; is</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Shannah Lowe.</p> <p>2 Q. Tell me about that.</p> <p>3 A. We were in pediatrics. She was not in my</p> <p>4 clinical group, but one of her friends was</p> <p>5 in my dinical group.</p> <p>6 Q. This would have been the spring of '06,</p> <p>7 right?</p> <p>8 A. Correct.</p> <p>9 Q. Go ahead.</p> <p>10 A. And the lady --</p> <p>11 Q. Clinical, again?</p> <p>12 A. It was the dinical, in the hospital.</p> <p>13 Q. Okay.</p> <p>14 A. The lady that spoke up and said she was</p> <p>15 having problems -- her name is Jill</p> <p>16 Boyette. She was in my clinical group, and</p> <p>17 she spoke up and said that Shamah Lowe did</p> <p>18 not pass her clinical portion because she</p> <p>19 refused to start an IV on a child. And</p> <p>20 Artemisa Harmon wasthat clinical</p> <p>21 instructor and told her that she would not</p> <p>22 be passing. And she stated that Shannah</p> <p>23 called Dixie Peterson and Dean Lowe.</p>
<p style="text-align: right;">Page 206</p> <p>1 that what you're saying?</p> <p>2 A. Correct.</p> <p>3 Q. And that that therefore violates the rule</p> <p>4 of the school in that regard?</p> <p>5 A. Correct.</p> <p>6 Q. My question to you is, how does that affect</p> <p>7 you? How does that hurt you?</p> <p>8 A. You asked me who has received special</p> <p>9 treatment.</p> <p>10 Q. Right. But I'm asking you -- Okay. You've</p> <p>11 given me this example. How does that</p> <p>12 affect you?</p> <p>13 A. Well, it affects me because if somebody</p> <p>14 else can receive special treatment and the</p> <p>15 rules are broken for someone else and the</p> <p>16 rules are changed and it's up to their</p> <p>17 discretion to make those rules, then why am</p> <p>18 I in the position that I'm in because</p> <p>19 somebody wouldn't change those rules for me</p> <p>20 or give me special treatment as though</p> <p>21 they've given someone else?</p> <p>22 Q. Give me another example of someone that got</p> <p>23 special treatment.</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Let's go back. Okay? We're in the</p> <p>2 clinical setting. We're in pediatrics.</p> <p>3 This is the spring of 2006. Ms. Lowe --</p> <p>4 Shannah Lowe is not in your clinical group,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. But she is in Jill Boyette's clinical</p> <p>8 group?</p> <p>9 A. No, sir. That's Jill Boyette's friend.</p> <p>10 Q. And Jill Boyette is a nurse?</p> <p>11 A. She is.</p> <p>12 Q. Jill Boyette was not in classat CVCC? She</p> <p>13 was, instead, a nurse employed at, what?</p> <p>14 The Medical Center, Regional Medical</p> <p>15 Center?</p> <p>16 A. No, she was a student and she was in my</p> <p>17 clinical group.</p> <p>18 Q. You lost me, okay, on what happened here.</p> <p>19 You're saying that Shannah Lowe was in a</p> <p>20 clinical setting, that she would not give a</p> <p>21 child an IV?</p> <p>22 A. I was told that by Jill Boyette, that she</p> <p>23 refused to -- it wasn't just me that she</p>

<p style="text-align: right;">Page 209</p> <p>1 was telling. She was telling our whole 2 clinical group that she refused to start an 3 IV on a child. 4 Q. All right. 5 A. And Artemisa Harmon told her that she would 6 not be passing the clinical portion. And 7 she was -- Jill Boyette said that she 8 called Dixie Peterson and Dean Lowe at that 9 time. 10 Do you want me to keep going? 11 Q. Yeah. 12 A. And in the process of me taking Nursing 13 200, she was seen at the school with 14 Bridgett Jackson going to the lab. And we 15 were told that Bridgett Jackson was giving 16 her time in the lab to rectify her -- 17 whatever she did in that clinical class 18 with Artemisa Harmon. 19 Q. 200 -- when did you take 200? 20 A. In the summer. 21 Q. Of? 22 A. Yeah. 23 Q. And who told you this?</p>	<p style="text-align: right;">Page 211</p> <p>1 Jackson and start an IV on a child -- 2 A. Correct. 3 Q. -- in order to pass the clinical portion of 4 272? 5 A. I think it was 272 6 Q. And that is the only thing that you know of 7 that Shannah Lowe was allowed to do that 8 you think is different from what other 9 people were allowed to do; is that right? 10 A. Correct. 11 Q. Do you know why she would not start an IV 12 on a child? 13 A. I have no idea. 14 Q. Do you know where Shannah Lowe is now? 15 A. I do not. 16 Q. How well do you know Shannah Lowe? 17 A. Not well at all. 18 Q. Do you know any reason why she would be 19 allowed to go to the lab in the summer of 20 2006 and start an IV on a child in order to 21 pass the clinical portion of 272? 22 A. I don't know any reason, but I do know that 23 Dean Lowe is her uncle, I believe.</p>
<p style="text-align: right;">Page 210</p> <p>1 A. About Shannah Lowe? Jill Boyette. 2 Q. Who told you that Ms. Jackson and Shannah 3 Lowe were going to the clinic at the 4 school? 5 A. Jill Boyette and other students were 6 talking about it, and Kim Smith, also. 7 Q. Is she a student as well? 8 A. She was. 9 Q. Kim Smith, Jill Boyette. Who else? 10 A. I think Cindy Richards told Kim Smith is 11 what Kim told me, and Cindy Richards was in 12 Shannah Lowe's clinical class. 13 Q. Who else? 14 A. That's all that I recall. 15 Q. Based on what you've been told, Shannah 16 Lowe was allowed to go back and start an IV 17 on a child so that she could pass the 18 clinical portion of NUR 272; is that right? 19 A. I was told that she was allowed to go to 20 the lab with Bridgett Jackson, not in the 21 clinical setting. 22 Q. All right. You were told that Shannah Lowe 23 was allowed to go to the lab with Bridgett</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. Well, do you know of any -- do you know 2 whether or not someone contends that Dean 3 Lowe is the one that allowed her to do this 4 as a favor because she was related to him? 5 Do you know of anyone that's said that? 6 A. No, I don't. 7 Q. Not even Sandy Gunnels? 8 A. Not even Sandy Gunnels. 9 Q. Give me another example of special 10 treatment. 11 A. I can't think of any right now. 12 Q. That's all you can think of? 13 A. Right now. 14 Q. If you think of anything else as we go 15 through, would you please tell me -- 16 A. Yes. 17 Q. -- about special treatment? Okay? 18 A. Yes, sir. 19 Q. Defendant's Exhibits 4 and 5 are documents 20 that you brought with you and produced; 21 isn't that right? 22 A. Yes, sir. 23 Q. And how about Defendant's Exhibit 3, the</p>



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<p>1 letter from Dean Hodge? Is that something</p> <p>2 that you brought with you and produced?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Are there any other damages that you have</p> <p>5 sustained other than emotional distress,</p> <p>6 embarrassment -- humiliation, and lost</p> <p>7 opportunity to make the pay of an RN?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you ever filed a lawsuit before this</p> <p>10 one?</p> <p>11 A. Yes.</p> <p>12 Q. What lawsuit?</p> <p>13 A. The lawsuit against Total Systems.</p> <p>14 Q. Is that the only one you've ever filed</p> <p>15 besides this one?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Have any of your husbands ever filed a</p> <p>18 lawsuit?</p> <p>19 A. No, sir, that I'm aware of.</p> <p>20 Q. Have you ever been involved in any other</p> <p>21 court proceedings other than this court</p> <p>22 proceeding and the one having to do with</p> <p>23 Total Systems?</p>	<p>1 A. No, I think that was in Georgia.</p> <p>2 Q. Okay.</p> <p>3 A. It may have been in Alabama. I'm not real</p> <p>4 sure. I think it was filed in Alabama.</p> <p>5 Q. Do you?</p> <p>6 A. Yes. That's been a long time ago.</p> <p>7 Q. That was '94. Was that a Title 7 or was it</p> <p>8 reorganization?</p> <p>9 A. It was a Title 7.</p> <p>10 Q. So it was a straight bankruptcy?</p> <p>11 A. Uh-huh. (Positive response.)</p> <p>12 Q. Is that right?</p> <p>13 A. Yeah.</p> <p>14 Q. What kind of job did you have at that time?</p> <p>15 A. I think I was working at Blue Cross-Blue</p> <p>16 Shield.</p> <p>17 Q. Okay.</p> <p>18 A. If I'm not mistaken, I think I was.</p> <p>19 Q. Have you ever had any other court</p> <p>20 proceedings other than the bankruptcy, the</p> <p>21 Total Systems and this case we're here</p> <p>22 about today?</p> <p>23 A. No.</p>
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<p>1 A. No, sir.</p> <p>2 Q. Have you ever filed bankruptcy?</p> <p>3 A. Yes, sir.</p> <p>4 Q. When?</p> <p>5 A. In '94, 1994, I think.</p> <p>6 Q. Were you single at that time or married?</p> <p>7 A. Married.</p> <p>8 Q. Was the bankruptcy filed jointly with you</p> <p>9 and your husband?</p> <p>10 A. No.</p> <p>11 Q. It was just filed by you individually?</p> <p>12 A. Well, he filed his bankruptcy because he</p> <p>13 was married previously, and that affected</p> <p>14 my credit, so I ended up filing bankruptcy.</p> <p>15 Q. So he filed bankruptcy because he had been</p> <p>16 married before?</p> <p>17 A. And had some stuff going on with his</p> <p>18 previous marriage, and that affected my</p> <p>19 credit after we got married.</p> <p>20 Q. So then you filed your own separate</p> <p>21 bankruptcy, right?</p> <p>22 A. Correct.</p> <p>23 Q. And that was in Alabama?</p>	<p>1 Q. Have you ever been arrested?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me about that.</p> <p>4 A. When I was 21, I got a DUI.</p> <p>5 Q. Where was that?</p> <p>6 A. That was in Columbus.</p> <p>7 Q. Did you go to jail?</p> <p>8 A. I went to jail.</p> <p>9 Q. And so what happened with that DWI, DUI?</p> <p>10 A. I had to pay a fine and go to a class to</p> <p>11 get my license back.</p> <p>12 Q. All right. Have you ever been arrested any</p> <p>13 other time?</p> <p>14 A. No, sir.</p> <p>15 Q. You have said that in the fall or August --</p> <p>16 well, the fall of 2005 that your class 252</p> <p>17 and I guess -- would it be 271 did not have</p> <p>18 instructors for the first five weeks?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Explain that to me.</p> <p>21 A. Well, Sandy Gunnels and Brenda Bellamy were</p> <p>22 there for, I'd say, the first week -- or</p> <p>23 the first couple of days of class, which</p>



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1 was basically the first week, and they --  
 2 we were told by Dean Lowe -- he came down  
 3 to the class and said that our instructors  
 4 were sick, they wouldn't be in.  
 5 They had quit, and we didn't have  
 6 instructors and we had guest speakers come  
 7 in.  
 8 Q. They were there the first couple of days of  
 9 class? Is that what you're saying?  
 10 Ms. Bellamy and Ms. Gunnels both were  
 11 present the first couple of days of class?  
 12 A. Yes, sir.  
 13 Q. And that would be the classroom portion,  
 14 correct? They didn't do clinical, did  
 15 they?  
 16 A. I know they were there for that clinical  
 17 check-off. And I don't know if they -- if  
 18 we had even had a chance to do any  
 19 classroom.  
 20 Q. So they wouldn't have been there at all?  
 21 They never came that semester?  
 22 A. Yeah, they did. They were there for the  
 23 clinical check-off, and that was the first

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1 Q. That would be 252?  
 2 A. That was the --  
 3 Q. The whole class?  
 4 A. I'm talking about the whole year and the  
 5 whole class.  
 6 Q. The whole year. And when you say the whole  
 7 class, you're talking about the people in  
 8 the class?  
 9 A. I'm talking about the people. There was  
 10 always something going on.  
 11 Q. I hear you. I've got you. What do you  
 12 attribute that to?  
 13 A. No instructors. Well, actually, I can't  
 14 say that was the whole year. The first  
 15 semester, we didn't have so much ruckus  
 16 going on.  
 17 When the instructors left and we didn't  
 18 have instruction for the first five  
 19 weeks -- the majority of my class was from  
 20 Atlanta, and they were very vocal and  
 21 wanted to know what was going on, where the  
 22 instructors were, what are you going to do  
 23 to replace them; I want to see my test; I

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1 portion of that semester. We had a  
 2 clinical check-off the first week.  
 3 Q. But you're saying that you did not have any  
 4 class; is that right?  
 5 A. No, we had class, but we had guest  
 6 speakers, so it wasn't a formal class.  
 7 Q. I'm sorry. I meant you did not have any  
 8 class where Gunnels and Bellamy taught the  
 9 class; is that --  
 10 A. No, sir.  
 11 Q. And you're saying that Dean Lowe came to  
 12 your classes and said, I'm sorry, your  
 13 instructors are sick, they'll be back --  
 14 what did he say?  
 15 A. He said they're sick and they're not coming  
 16 in today, and that was the extent of that.  
 17 Q. How many times did he do that?  
 18 A. He did that for sure that day. There was  
 19 always chaos in that class. There was  
 20 always something going on, somebody  
 21 fussing.  
 22 Q. Which class?  
 23 A. My nursing class.

1 want to --  
 2 I mean, there was something constantly  
 3 going on. They were very vocal.  
 4 Q. And they were just that way the whole time?  
 5 A. Except for the first -- the first semester,  
 6 it wasn't like that.  
 7 Q. Okay.  
 8 A. Just when nobody knew what was going on --  
 9 it was very unorganized after those  
 10 instructors left.  
 11 Q. Well, why did they leave? Why did Gunnels  
 12 leave?  
 13 A. I have no idea.  
 14 Q. She's never told you about that?  
 15 A. I've never really asked her why she left.  
 16 Q. And you're saying that at no time did  
 17 Ms. Gunnels or Ms. Bellamy meet a class  
 18 during the fall semester of 2005, correct?  
 19 A. No.  
 20 Q. They did not?  
 21 A. Just that clinical.  
 22 Q. Just that one clinical?  
 23 A. Lab clinical check-off.

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- 1 Q. Where was the clinical check-off?  
 2 A. It was in the classroom -- I think it was  
 3 in the classroom that we normally met in.  
 4 I'm trying to figure out which side of the  
 5 building we were on because there's two  
 6 sides to that building -- there was.  
 7 Q. Do you know?  
 8 A. What?  
 9 Q. Where was the clinical check-off?  
 10 A. It wasn't down in the normal lab. If I'm  
 11 not mistaken, it was -- it may have been  
 12 across the hall or upstairs in the  
 13 classroom on the same side of the  
 14 building. It was either the upstairs  
 15 classroom or the downstairs classroom, that  
 16 clinical check-off was.  
 17 Q. Were both Bellamy and Gunnels there for  
 18 that?  
 19 A. I remember Wendy Wall and Sandy Gunnels  
 20 being in there.  
 21 Q. Did Ms. Gunnels stay for that entire  
 22 clinical check-off?  
 23 A. She did.

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- 1 Q. Are you saying that was the very first  
 2 meeting of that particular class, was to  
 3 have that clinical check-off?  
 4 A. Yeah, I think so. I think that's what it  
 5 was.  
 6 Q. And so she -- Ms. Gunnels met that clinical  
 7 check-off class and then never returned; is  
 8 that correct?  
 9 A. That's correct.  
 10 Q. Did you miss class very much in the fall of  
 11 2005?  
 12 A. Miss class?  
 13 Q. Yes.  
 14 A. No, sir.  
 15 Q. Did you miss class any in the fall of 2005?  
 16 A. I had a baby in June, so that summer. Fall  
 17 was August to whatever. I think I may have  
 18 missed one class period.  
 19 Q. Okay. In the fall of 2005?  
 20 A. No, that was the last semester that I -- I  
 21 know I missed one class period the last  
 22 semester.  
 23 Q. All right. Why did Gunnels leave?

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- 1 A. I'm sorry. I forgot. There was talk  
 2 about -- and myself was not the only one  
 3 that knew. There was talk about some kind  
 4 of contract between her and Ms. Bellamy and  
 5 the school, their contracts. I don't  
 6 know -- I don't know anything other than  
 7 that. It was something to do with their  
 8 contracts is what I heard.  
 9 Q. Who told you that?  
 10 A. April Gunnels, which is Sandy's  
 11 daughter-in-law, and then other -- I mean,  
 12 just students talking to other students. I  
 13 don't know. I can't recall exactly which  
 14 one, pinpoint it. But, I mean, it was  
 15 rumor all over. Everybody -- I say  
 16 everybody knew.  
 17 Q. Do you know what was -- what the deal was  
 18 about the contract?  
 19 A. No, sir.  
 20 Q. And Gunnels has never told you that; is  
 21 that right?  
 22 A. I never asked her specifics.  
 23 Q. Do you remember being in a class when

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- 1 Gunnels and Bellamy were at the school and  
 2 they packed up their things and left on  
 3 that day?  
 4 A. That was the day that Dean Lowe came in and  
 5 said our instructors were sick. One of the  
 6 students came down and said that they were  
 7 up there packing their things. I was told  
 8 that they were told not to talk to any of  
 9 the students. Sandy did say she was told  
 10 not to talk to any of the students. Her  
 11 and Brenda Bellamy said that.  
 12 Q. When did they tell you that?  
 13 A. In passing in the parking lot. Because if  
 14 I'm not mistaken, I think the security guy  
 15 was out there. I don't know his name.  
 16 Q. How did you get out to the parking lot?  
 17 Weren't you supposed to be in class?  
 18 A. If I'm not mistaken -- I don't remember. I  
 19 don't remember if we were having class or  
 20 what was going on at that time.  
 21 Q. Do you remember anybody writing something  
 22 on the board, the chalkboard that day?  
 23 A. As far as who?

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1 Q. Do you remember Sandy Gunnels writing  
2 something on the chalkboard in the  
3 classroom that day?  
4 A. Sandy Gunnels? No.  
5 Q. Do you remember anybody writing something  
6 on the chalkboard that day?  
7 A. I remember April Gunnels writing somebody's  
8 number on the chalkboard. I don't remember  
9 the lady's name, but it was somebody to do  
10 with the school, the school board,  
11 somebody -- I think. I'm not real sure.  
12 Q. All right. Did April Gunnels tell the  
13 class what she was doing and why?  
14 A. Yeah, she got up and said she was writing  
15 the lady's name on the board and if they  
16 wanted to complain about anything, to call  
17 whoever that was.  
18 Q. Do you remember anything else that happened  
19 that day?  
20 A. Huh-uh. (Negative response.) It was just  
21 chaos.  
22 Q. Because the students were --  
23 A. Upset.

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1 Q. -- from Atlanta, they were very vocal, a  
2 very aggressive type of person; is that  
3 right?  
4 A. Correct.  
5 Q. Let me ask you this. When did Sandy  
6 Gunnels first begin helping you outside of  
7 her job at CVCC, helping you with nursing  
8 school?  
9 A. Outside of CVCC?  
10 Q. Right.  
11 A. In the nursing -- the RN program, outside  
12 of, that's when she was at Columbus Tech.  
13 She offered me tutorial help as well as  
14 everybody else. She voiced that. She said  
15 if anybody needs any kind of help, you can  
16 call me. Here is my number, whatever.  
17 Q. Let's see. If they left in August of 2005,  
18 would it be correct to say that Ms. Gunnels  
19 offered that help sometime shortly after  
20 August 2005?  
21 A. Yes. She always made herself available if  
22 you had any kind of questions about any of  
23 the courses that you were having.

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1 Q. You're talking about like in the summer,  
2 for example?  
3 A. Yes, sir.  
4 Q. Was Ms. Bellamy that way, too?  
5 A. And, in fact -- yes, she was. And, in  
6 fact, in the -- I think it was the summer  
7 that myself and one of the other students  
8 went to Ms. Gunnels' office in the nursing  
9 department, and she tutored us on some  
10 pharmacology.  
11 Q. That was the summer of 2005?  
12 A. Uh-huh. (Positive response.)  
13 Q. Yes?  
14 A. Yes.  
15 Q. All right. Now, how did Ms. Gunnels offer  
16 to help people at CVCC if they wanted  
17 help? How did she make that known?  
18 A. She voiced it in the classroom. If you  
19 don't understand, ask me. I'll help you.  
20 Come to my office. These are my office  
21 hours.  
22 Q. What I was talking about, though,  
23 Ms. Wright, is Ms. Gunnels helped you after

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1 she left the employ of CVCC, correct?  
2 A. Correct.  
3 Q. I thought you had said that she made it  
4 known that she would be glad to help  
5 anybody who was having a problem with their  
6 studies at CVCC even after she had left.  
7 Am I wrong about that?  
8 A. Her daughter-in-law came in and voiced that  
9 she was available.  
10 Q. April did?  
11 A. Uh-huh. (Positive response.)  
12 Q. Yes?  
13 A. Yes.  
14 Q. Where is April now?  
15 A. She works for the Medical Center in  
16 Columbus.  
17 Q. When was this that April came in and said  
18 my --  
19 Is it her aunt -- her mother-in-law,  
20 isn't it?  
21 A. Her mother-in-law.  
22 Q. -- my mother-in-law, Sandy Gunnels, said  
23 she'd help anybody that needed help over

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<p>1 here?</p> <p>2 A. After she left.</p> <p>3 Q. How long after she'd left?</p> <p>4 A. Probably the middle of that second</p> <p>5 semester. I'm not real sure the exact</p> <p>6 date.</p> <p>7 Q. So when did you first take advantage of</p> <p>8 that offer?</p> <p>9 A. Let me think. When I started having</p> <p>10 problems with -- basically with the grade</p> <p>11 appeal and things like that. And she gave</p> <p>12 me -- it was mainly when I started with the</p> <p>13 grade appeal.</p> <p>14 And if I had any questions about</p> <p>15 anything that Ms. Harris was teaching in</p> <p>16 the class that I didn't understand, I would</p> <p>17 call Sandy and ask her. And I went over</p> <p>18 there several times with her and -- Venus</p> <p>19 is the lady's name at Columbus Tech. Her</p> <p>20 name is Venus. I don't know what her last</p> <p>21 name is.</p> <p>22 Q. Venus is her first name?</p> <p>23 A. Venus. I think that's what it is. It's</p>	<p>1 A. I think so. I think the Adult Nursing I</p> <p>2 was that first semester. I know we had --</p> <p>3 I think we had assessment, pharmacology,</p> <p>4 and the Adult I. And the Adult I was</p> <p>5 taught by, I think, Brenda Bellamy. If I'm</p> <p>6 not mistaken, I think that's correct. We</p> <p>7 don't have the syllabus for that.</p> <p>8 Q. What was 252?</p> <p>9 A. Adult Nursing II.</p> <p>10 Q. So that was in the fall of '05. Okay. And</p> <p>11 then wasn't 271 in the fall of '05?</p> <p>12 A. Correct.</p> <p>13 Q. And that would be maternal --</p> <p>14 A. Uh-huh. (Positive response.)</p> <p>15 Q. -- newborn, and would that be the class</p> <p>16 that Tawyna Cash taught?</p> <p>17 A. Correct.</p> <p>18 Q. Did you talk with or meet with Sandy</p> <p>19 Gunnels about 271?</p> <p>20 A. Yeah, I talked with her about it, but I</p> <p>21 don't think I met with her until the end of</p> <p>22 that semester.</p> <p>23 Q. But you met with Sandy Gunnels before the</p>
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<p>1 something odd.</p> <p>2 Q. Columbus Tech?</p> <p>3 A. Uh-huh. (Positive response.)</p> <p>4 Q. She would also help?</p> <p>5 A. Correct.</p> <p>6 Q. She's a professor at Columbus Tech, Venus</p> <p>7 is?</p> <p>8 A. Uh-huh. (Positive response.)</p> <p>9 Q. You would go over to Columbus Tech. Where</p> <p>10 would you meet with Sandy Gunnels?</p> <p>11 A. In their office, either-or.</p> <p>12 Q. Both Sandy Gunnels' and Venus'?</p> <p>13 A. Either hers or -- yeah.</p> <p>14 Q. And what would you do when you went there?</p> <p>15 A. Tell her what -- this is what we're</p> <p>16 studying. What do you know about it? Do</p> <p>17 you have any notes? What kind of notes do</p> <p>18 you have? Do you have anything that will</p> <p>19 help me?</p> <p>20 Q. In 252 --</p> <p>21 A. That was the adult nursing.</p> <p>22 Q. Right. 252 ... Was there an Adult Nursing</p> <p>23 I and Adult Nursing II?</p>	<p>1 end of the fall semester about 252; is that</p> <p>2 right?</p> <p>3 A. Huh-uh. (Negative response.) It was --</p> <p>4 Q. The first time you met with her was when</p> <p>5 you were doing the grade appeal?</p> <p>6 A. Correct.</p> <p>7 Q. Okay.</p> <p>8 A. And then we went into the pediatric class,</p> <p>9 and that's when she helped me with that,</p> <p>10 also, with some study questions and things</p> <p>11 like that. I've got it, what she gave me</p> <p>12 in here somewhere.</p> <p>13 Q. You do?</p> <p>14 A. Yeah, it's in there.</p> <p>15 (Defendant's Exhibit 6 was marked</p> <p>16 for identification.)</p> <p>17 Q. Defendant's Exhibit 6 is the syllabus for</p> <p>18 Nursing 271, Maternal and Newborn Nursing;</p> <p>19 is that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And that's the class that Tawyna Cash</p> <p>22 taught?</p> <p>23 A. Yes.</p>



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1 (Defendant's Exhibit 7 was marked  
2 for identification.)  
3 Q. Defendant's Exhibit 7 is the nursing  
4 syllabus for 272, pediatric nursing, right,  
5 and that was taught in the spring of '06 by  
6 Lynn Harris, correct?  
7 A. Correct.  
8 (Defendant's Exhibit 8 was marked  
9 for identification.)  
10 Q. Defendant's 8 is the syllabus for Nursing  
11 200 which you took in the summer of 2006,  
12 correct?  
13 A. Correct.  
14 Q. All of those syllabi are syllabi that you  
15 had in your files; isn't that right? They  
16 were your documents that you produced?  
17 A. I didn't produce them. The instructors  
18 gave these to me and I've held on to them.  
19 Q. Well, what I mean is --  
20 A. Produced for today.  
21 Q. Correct. You produced those documents in  
22 this lawsuit because you had them?  
23 A. Correct. The 272 and the Nursing 200, I

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1 took those classes together.  
2 Q. Oh, you did? You took 200 and 272 in the  
3 spring of 2006?  
4 A. Correct. I didn't take anything in the  
5 summer because they told me that --  
6 Q. You were out.  
7 A. -- I could not.  
8 Q. Let's go back to the deposition notice.  
9 Okay?  
10 A. Okay.  
11 Q. We're on number two. We've talked about  
12 all your damages, I take it, right?  
13 A. Correct.  
14 Q. Number two is all documents regarding your  
15 grade appeals and request for grade and/or  
16 course forgiveness.  
17 This particular item also asked for  
18 audio recordings, e-mails, notes or letters  
19 of any kind. Have you had any telephone  
20 conversations with anyone about any part of  
21 this case that you've recorded?  
22 A. About the case?  
23 Q. Well, about the underlying facts in the

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1 case.  
2 A. No.  
3 Q. Have you had a telephone conversation with  
4 anyone that you've recorded, either about  
5 the case or about what happened with  
6 respect to the events at CVCC?  
7 A. No.  
8 Q. Have you taken any -- you hesitated  
9 earlier. It sounded like you had done a  
10 tape recording of some telephone  
11 conversation.  
12 A. I was trying to understand what you were  
13 asking.  
14 Q. Okay. Do you know whether your lawyers  
15 have taken any telephone tape recordings of  
16 conversations?  
17 A. No.  
18 MR. NIX: I assume y'all would  
19 have produced those if you had  
20 those, correct?  
21 MS. COOLEY: (Nods head up and  
22 down.)  
23 MR. NIX: You haven't.

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1 Q. Have you produced all of the documents that  
2 have any relationship to your grade  
3 and/or -- grade appeals and your request  
4 for course forgiveness? Have you brought  
5 those?  
6 A. I'm sorry. Repeat that, please.  
7 Q. Have you produced or provided to me  
8 pursuant to this request for production of  
9 documents number two all of the documents  
10 that you have that relate to your grade  
11 appeals?  
12 A. Yes, sir.  
13 Q. Have you produced all of the documents that  
14 relate to your course forgiveness?  
15 A. Yes, sir.  
16 Q. Now, let's do this real quickly.  
17 MR. NIX: Do y'all want to take a  
18 quick break?  
19 MS. COOLEY: Yes.  
20 (Brief recess was taken.)  
21 Q. Ms. Wright, let me do something real quick  
22 if I can.  
23 (Defendant's Exhibit 9 was marked

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1 for identification.)

2 Q. Let me show you what I've marked as  
3 Defendant's Exhibit Number 9, and let me  
4 try to describe it and you tell me how I'm  
5 wrong. I'm sure I will be for the most  
6 part, but ...

7 These are printouts of electronic  
8 documents sent to you by one of your  
9 instructors from CVCC; is that right?

10 A. That's correct.

11 Q. Who sent these to you?

12 A. Lynn Harris.

13 Q. Are they related to any one particular  
14 course?

15 A. Pediatrics, which is the 272.

16 Q. 272. Did Lynn Harris send any electronic  
17 documents of this type like Defendant's  
18 Exhibit 9 for 252?

19 A. I don't recall any for 252.

20 Q. My understanding is you still have these  
21 documents on a hard drive or your computer  
22 that you can reproduce.

23 A. (Witness nods head up and down.)

1 They're not all the rest of them that  
2 you've produced because I've got some  
3 others here.

4 Are they?

5 A. Yes, sir.

6 Q. I'm marking these as Defendant's Exhibit  
7 10. The first page here is a lot of  
8 scribbling. Can you tell me what that  
9 relates to?

10 A. That relates to Ms. Harris at the end of  
11 the second semester letting me write  
12 down -- not word for word -- some of the  
13 test questions of some of the tests -- I'm  
14 not sure which test questions or what test  
15 numbers those come from. It was all of  
16 them to review --

17 Q. Okay.

18 A. -- and to challenge.

19 MR. DUMBUYA: What is the caption  
20 on Exhibit Number 10?

21 MR. NIX: There's really not a  
22 caption. Defendant's 10 is a  
23 group of documents produced by

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1 MR. NIX: I'll put these into the  
2 record just so that we'll know  
3 you produced these to us.

4 MS. COOLEY: Would you mind saying  
5 what class that was again. I  
6 know it came from Lynn Harris.

7 MR. NIX: 272 is the one that  
8 these documents relate to,  
9 Defendant's 9.

10 Kind of chopped up your  
11 production a little bit. Put  
12 all of these together.

13 I'm going to mark this  
14 stack of documents as  
15 Defendant's Exhibit 10.

16 (Defendant's Exhibit 10 was marked  
17 for identification.)

18 Q. These documents are also documents that you  
19 have produced pursuant to our request for  
20 production of documents.

21 Would you take a quick look at these,  
22 Ms. Wright, and just confirm that those are  
23 additional documents that you produced.

1 Ms. Wright pursuant to our  
2 request for production. It  
3 just so happens that the first  
4 page are some notes that she  
5 took.

6 Q. What? In May or June of 2006?

7 A. No. That was the end of the second  
8 semester, the 252.

9 Q. Okay. December of 2005, early January  
10 2006?

11 A. Correct.

12 Q. So the first page -- and then I'm just  
13 going to flip through these. Are all of  
14 these pages that have this handwritten  
15 information on them -- I think there are  
16 five pages -- four pages, are these four  
17 pages all related to the course 252?

18 A. Yes.

19 Q. And Lynn Harris allowed you to look at the  
20 exams that she had put together and write  
21 down notes about the questions on them; is  
22 that right?

23 A. Right.

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<p>1 Q. Were you able to see the Scantron, your</p> <p>2 Scantron showing the answers and the ones</p> <p>3 she had marked wrong?</p> <p>4 A. Correct.</p> <p>5 Q. And she did this for what purpose? Lynn</p> <p>6 Harris did this for what purpose?</p> <p>7 A. To challenge those questions.</p> <p>8 Q. To allow you to know what was on the test</p> <p>9 so that you could go back and look them</p> <p>10 up? Is that --</p> <p>11 A. Correct.</p> <p>12 Q. -- basically correct?</p> <p>13 A. Correct.</p> <p>14 Q. Look them up and determine whether you</p> <p>15 could make some contention that your answer</p> <p>16 was the right answer instead of the answer</p> <p>17 that she had determined was correct?</p> <p>18 A. Correct.</p> <p>19 Q. After you -- and I'm going to put on</p> <p>20 Defendant's Exhibit 10 in the bottom</p> <p>21 right-hand corner on each of these four</p> <p>22 pages A for the top page with a circle</p> <p>23 around it, B for the second page with a</p>	<p>1 are you letting other instructors look at</p> <p>2 this? I said, yes, ma'am. She said, no</p> <p>3 more, we're not going through this</p> <p>4 anymore. That's it. And that was it. And</p> <p>5 then --</p> <p>6 Q. What did she think you were writing them</p> <p>7 down for?</p> <p>8 A. She knew what I was writing them down for,</p> <p>9 was to challenge those answers and look</p> <p>10 them up in nursing books because Dixie</p> <p>11 Peterson told me to do that.</p> <p>12 Q. When did Dixie Peterson tell you to do</p> <p>13 that?</p> <p>14 A. Within a day or so of setting the</p> <p>15 appointment with Ms. Harris to come and</p> <p>16 review the grades.</p> <p>17 Q. Was that at a special meeting of some type</p> <p>18 that you had with Dixie Peterson?</p> <p>19 A. No. That was at the time of reviewing my</p> <p>20 test. It was not a special meeting. There</p> <p>21 were no other students on campus.</p> <p>22 Q. Was it after you filed your grade appeal?</p> <p>23 A. Yes, sir, I think it was.</p>
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<p>1 circle around it, C for the third page with</p> <p>2 a circle around it, and D for the fourth</p> <p>3 page with a circle around it.</p> <p>4 Those four pages are the pages that</p> <p>5 we're talking about that relate to course</p> <p>6 252?</p> <p>7 A. That's some of the questions.</p> <p>8 Q. Are these four pages, Exhibit 10-A, B, C,</p> <p>9 and D, all of your notes, though?</p> <p>10 A. Those are the only notes that I was allowed</p> <p>11 to write down.</p> <p>12 Q. I'm not sure I understand how you're</p> <p>13 limiting the response. Are you saying that</p> <p>14 Ms. Harris would not allow you to write</p> <p>15 some things down?</p> <p>16 A. Correct.</p> <p>17 Q. Like what?</p> <p>18 A. Any more test questions. When she allowed</p> <p>19 me to do that, I was communicating with</p> <p>20 Sandy Gunnels and the other instructor at</p> <p>21 Columbus Tech, and they were helping me</p> <p>22 research through nursing books.</p> <p>23 And when she realized -- She asked me,</p>	<p>1 Q. I'll get to that in a minute. We'll get to</p> <p>2 the grade appeal in a minute.</p> <p>3 There are four pages of notes. About</p> <p>4 how far did you get in writing down your</p> <p>5 notes on exams that you were looking at?</p> <p>6 How far into the exams with the incorrect</p> <p>7 answers did you get?</p> <p>8 A. I don't know how far I got. I didn't -- I</p> <p>9 know I didn't get to review every test and</p> <p>10 every question because she would not</p> <p>11 allow ...</p> <p>12 Q. Did you take these to Sandy Gunnels --</p> <p>13 A. Yes.</p> <p>14 Q. -- these notes?</p> <p>15 A. Yes.</p> <p>16 Q. And you talked over your notes with her,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Why don't you do this. Take this top</p> <p>20 page -- don't take it out of the clip or</p> <p>21 anything, but just take the top page and</p> <p>22 tell me which question that was on which</p> <p>23 exam and what the precise question was that</p>

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1 you wrote down there.

2 A. What question it was on which exam? I'm  
3 sorry. I don't understand your question.

4 Q. Well, I mean, apparently, it was -- the top  
5 of that page has notes on it, correct?

6 A. Correct.

7 Q. Do those notes relate to a question that  
8 Lynn Harris marked your answer for as an  
9 incorrect answer?

10 A. Correct.

11 Q. So tell me what the question was from those  
12 notes.

13 A. It looks like -- I can't read the top of  
14 that one. It looks like it was cut off in  
15 copying.

16 The second one, it says: Nurses  
17 providing irrigation for nasogastric tube.  
18 Patient's potassium level is four -- it  
19 looks like four something and sodium is --  
20 four milliequivalents maybe and sodium is  
21 130. What would the nurse irrigate with?

22 Q. So that was a question on --

23 A. It's not a complete question. It's not

1 instructor for 252?

2 A. Lynn Harris.

3 Q. Which one of these ladies -- Ms. Bellamy or  
4 Ms. Gunnels -- was supposed to have taught  
5 that course?

6 A. Brenda Bellamy.

7 Q. Was supposed to have taught 252?

8 A. Correct.

9 Q. Which course was Sandy Gunnels going to  
10 teach in the fall of 2005?

11 A. 271.

12 Q. You're talking to a nurse who was a  
13 professor at this school who taught various  
14 courses at this school but who was not the  
15 professor for your course 252, weren't you?

16 A. Correct.

17 Q. And you were getting their impression about  
18 an answer to a question that Ms. Harris had  
19 marked incorrect on your test, right?

20 A. Correct.

21 Q. And what you're saying is that they're  
22 saying Ms. Harris wasn't really wrong, but  
23 neither were you, and so she shouldn't have

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1 word for word.

2 Q. But it was marked wrong on the test,  
3 correct, on your Scantron?

4 A. Correct.

5 Q. Did Sandy Gunnels say that your answer was  
6 correct?

7 A. It says right here, could use either. And  
8 this is not precise, just Sandy Gunnels --  
9 one of the other instructors was looking at  
10 this also at Columbus Tech. And it says,  
11 could use either, does not have to be  
12 sterile. It's got C and D marked with the  
13 little quotation I guess or whatever. And  
14 that says, no, normal saline is isotonic  
15 and will not impact the sodium level.

16 Q. Did you talk to Lynn Harris about the fact  
17 that Sandy Gunnels and this other  
18 instructor said it could have been either?

19 A. When I tried to do that, that's when she  
20 refused to talk to me about any of these  
21 questions or allow me to look at anything  
22 else.

23 Q. Let me ask you something. Who was your

1 marked that off. Isn't that what you're  
2 saying?

3 A. Is that what I'm saying?

4 Q. Well, I'm just asking you if that's your  
5 contention in this case. Are you saying  
6 that Ms. Harris, her answer was right, but  
7 so was yours because Sandy Gunnels said so  
8 was yours?

9 A. Yes.

10 Q. And you're saying that you should have been  
11 given credit for that correct answer. Is  
12 that what your contention is?

13 A. But I'm not saying it's just because Sandy  
14 Gunnels said so. It was in nursing books.

15 Q. You've written down a paraphrase of a  
16 question. But irrespective of that,  
17 Ms. Harris was the instructor, wasn't she?

18 A. Yes.

19 Q. Reasonable and good professionals can  
20 disagree on various things, can they not?

21 A. Yes.

22 Q. The professional teaching this course,  
23 Ms. Harris, said the right answer for you



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1 on this test because I'm your teacher is  
 2 the one that I had in my key, not the one  
 3 you chose; isn't that right?  
 4 A. No.  
 5 Q. What? Tell me --  
 6 A. She never discussed any of these questions  
 7 with me. She never gave me any rationale.  
 8 She never said this is the answer I chose,  
 9 it's right, you're wrong. She never --  
 10 Q. That's really not what I'm asking you.  
 11 You're saying she should have spent all  
 12 kinds of time with you doing this, even  
 13 though she had 30 students or however many  
 14 she had. But what I'm saying is, she was  
 15 the teacher, not you, right?  
 16 A. Right.  
 17 Q. She was the teacher, not Sandy Gunnels,  
 18 right?  
 19 A. Right.  
 20 Q. She was the teacher, not this lady, Ventura  
 21 or whatever her name is, right?  
 22 A. Right.  
 23 Q. She had a key. She put an answer down that

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1 test was graded. It's just that she didn't  
 2 sit down with you and explain all of this  
 3 stuff, right?  
 4 A. Wrong. No, I do not --  
 5 Q. How is that wrong?  
 6 A. I do not agree with the way the tests were  
 7 graded. From my understanding and what she  
 8 did was she threw out questions on some  
 9 people's tests and some people's she  
 10 didn't. I feel like I was not graded  
 11 equally.  
 12 Q. You filed a lawsuit, Ms. Wright, in this  
 13 case, and you're telling me from what I  
 14 understand, she threw out questions for  
 15 other people but not me. You're telling me  
 16 that?  
 17 A. That was for everybody. There were test  
 18 questions that she threw out on other  
 19 people's tests and she didn't throw out  
 20 on -- she didn't do it -- overall, she  
 21 didn't do it for everybody.  
 22 Q. And you don't know that. It's just  
 23 something that you think, right?

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1 was the right answer in her view as the  
 2 instructor for the course. And you're  
 3 complaining because she didn't mark your  
 4 answer right because some other person  
 5 says, well, your answer is -- it could be  
 6 right and so is hers, right? Isn't that  
 7 what you're doing?  
 8 A. No.  
 9 Q. Yes, it is. Tell me what you're doing.  
 10 A. I'm complaining because she didn't give me  
 11 the opportunity to go over these test  
 12 questions and give me rationale for the  
 13 answers that I chose. As any of the tests  
 14 that she gave, she never went over anything  
 15 except for that last semester the day  
 16 before finals. At the end of the day at  
 17 certain times, you could either be there or  
 18 not. No, she did not go over any of this  
 19 stuff with me.  
 20 Q. So you're not complaining, then -- I've got  
 21 it all wrong. You're not complaining about  
 22 the fact that the test was graded the way  
 23 it was. You agree with the way the way the

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1 A. From what -- that last semester --  
 2 Q. How about 252?  
 3 A. From 252?  
 4 Q. Yeah.  
 5 A. She told me. Ms. Harris told me this.  
 6 Q. Told you what?  
 7 A. That she omitted -- if you'll look on the  
 8 back of one of these -- those are the  
 9 originals, and I think I made a copy of  
 10 that back part. She told me she omitted  
 11 two of eight questions -- it's on the back  
 12 of one of these.  
 13 Q. You're referring to Defendant's Exhibit 9?  
 14 A. Uh-huh. (Positive response.)  
 15 Q. What did she tell you?  
 16 A. She told me she omitted two out of eight on  
 17 my test and graded from that, gave me a  
 18 grade off of that.  
 19 Q. She omitted two of your wrong answers?  
 20 A. Two out of eight that she threw out.  
 21 Q. Two of your wrong answers?  
 22 A. She threw out questions and then she  
 23 omitted some questions.



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1 Q. So she gave you a break. She gave you a  
 2 break, right? She threw out two wrong  
 3 answers, right?  
 4 A. Right.  
 5 Q. And she omitted some others that were  
 6 wrong, right?  
 7 A. Right.  
 8 Q. She gave you a break, and you're suing?  
 9 A. But she didn't give me credit the way she  
 10 should have.  
 11 Q. Oh, okay.  
 12 A. According to what she was saying when  
 13 she -- what she told me, the calculation --  
 14 it didn't calculate.  
 15 Q. Did Sandy Gunnels do your calculation for  
 16 you on that, too?  
 17 A. No, she didn't.  
 18 Q. Did you do that calculation?  
 19 A. Can we look at that?  
 20 Q. I don't have time to be honest with you. I  
 21 mean, this -- what are you saying? Just  
 22 tell me what you're saying.  
 23 MR. DUMBUYA: Let me step in at

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1 this time. You've introduced  
 2 Exhibit Number 9, so I think  
 3 you have a responsibility to  
 4 go over that exhibit from the  
 5 perspective of the witness.  
 6 Exhibit Number 9 has already  
 7 been introduced.  
 8 MR. NIX: I know, but I don't have  
 9 an obligation to do anything  
 10 other than discover, and  
 11 that's what I'm doing.  
 12 Q. So tell me --  
 13 MR. DUMBUYA: If the witness is  
 14 insisting that information is  
 15 on Exhibit Number 9, I think  
 16 you have the responsibility  
 17 to --  
 18 MR. NIX: She's told me what's on  
 19 it. You can question her at  
 20 trial or here when I get  
 21 finished, whatever you want to  
 22 do.  
 23 MR. DUMBUYA: I just want to make

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1 sure we're on the same plane  
 2 here.  
 3 MR. NIX: I understand what you're  
 4 saying. I think I understand  
 5 what she's saying as well, and  
 6 I don't think there's any need  
 7 to go to it. I understand it.  
 8 Q. Go to 272. What did Lynn Harris do wrong  
 9 on that course?  
 10 A. Lynn Harris didn't teach 272 -- yes, she  
 11 did. She taught 272. I thought you were  
 12 meaning 271.  
 13 Q. What did Lynn Harris do wrong on 272?  
 14 A. What did she do wrong on 272?  
 15 Q. Right, to you.  
 16 A. To me?  
 17 Q. Yeah.  
 18 A. Well, she said that she was going to go  
 19 over test questions and give rationale for  
 20 every test, and she did not do that. She  
 21 never went over any test except for the day  
 22 before finals.  
 23 And she told us weeks in advance she

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1 was going to give us a study guide for the  
 2 final. She never did that. She did it a  
 3 day before the final. That was not  
 4 adequate time to study for a final.  
 5 Q. What did she do wrong, though -- okay.  
 6 You're saying that's all she did wrong.  
 7 Okay? Is that right?  
 8 A. She told me that -- there were times in the  
 9 clinical -- there was a clinical that we  
 10 had to turn in care plans, and she  
 11 addressed the class and said that we're not  
 12 discussing any of the care plans. Whoever  
 13 got -- well, the care plans that were  
 14 regraded can be redone. You can redo your  
 15 care plans, and that was it.  
 16 And that deducted points from me, so  
 17 that was wrong, from my original grade that  
 18 I received from care plans.  
 19 Q. It deducted points from you?  
 20 A. Yes, sir, it did.  
 21 Q. I thought she allowed you to redo a care  
 22 plan and you doubled your score on it.  
 23 A. No, sir.

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1 Q. Did you redo a care plan and it reduced  
2 your score?  
3 A. Yes, sir.  
4 Q. What course was that in?  
5 A. That was in 272.  
6 Q. And which care plan was that?  
7 A. I think that was -- may have been the first  
8 care plan that we did. I'm not real sure  
9 exactly which one it was.  
10 Q. Are you talking about the care plan that  
11 was said to have been lost? Is that the  
12 one you're talking about?  
13 A. No.  
14 Q. Talking about the other one?  
15 A. Uh-huh. (Positive response.)  
16 Q. Yes?  
17 A. In 272.  
18 Q. Yes? You're talking about another one?  
19 A. Yes.  
20 Q. And she said you could redo -- y'all can  
21 redo your care plans if you'd like?  
22 A. She addressed the class.  
23 Q. She told the whole class that?

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1 A. Yes.  
2 Q. So some people -- you had an option to redo  
3 the care plan, correct?  
4 A. Correct.  
5 Q. And you chose to redo the care plan,  
6 correct?  
7 A. Correct.  
8 Q. And you made a worse score on the care  
9 plan?  
10 A. No, I made a higher score than what they  
11 originally -- the second time they graded.  
12 I made a higher score than that.  
13 Q. I don't understand. I'm sorry. You made a  
14 higher score which time?  
15 A. There was a care plan that third  
16 semester -- there was two care plans the  
17 third semester. Artemisa Harmon in our  
18 clinical group gave back my original care  
19 plan with my original sheet on it that  
20 said -- I think it was 22 out of 25  
21 points. And we had to hand those back in,  
22 so I handed it back in to her.  
23 Well, the next clinical session was

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1 Shirley Harmon, and she gave -- no, the  
2 next session, I had Artemisa again, I  
3 think. But when they handed out care plans  
4 again, my original sheet was torn off and  
5 there was red writing, and it was a grade  
6 of a seven. And it was that same care  
7 plan. They took those back up.  
8 And that's when Lynn Harris said -- she  
9 addressed the class and said she didn't  
10 want to hear any fussing about the care  
11 plans, to redo them if you wanted to redo  
12 them.  
13 Q. In other words, she redid the grading on  
14 them, Lynn Harris did?  
15 A. She said she did not.  
16 Q. Lynn Harris said she did not redo the  
17 grading?  
18 A. Correct.  
19 Q. Someone else redid the grading?  
20 A. Correct.  
21 Q. And gave you a lower score?  
22 A. Correct.  
23 Q. And then you redid the care plan?

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1 A. Correct.  
2 Q. And did you make higher than a seven?  
3 A. Correct.  
4 Q. What was that?  
5 A. I think it was a 19.  
6 Q. Right. So Lynn Harris gave you a break.  
7 She allowed you to redo the care plan that  
8 someone else had reggraded to your disliking  
9 down from a 22 to a seven. Isn't that  
10 right?  
11 A. Lynn Harris didn't grade our care plans.  
12 Our clinical instructors graded our care  
13 plans and gave us those grades.  
14 Q. So did Artemisa regrade it, is that what  
15 you're saying, from a 22 to a seven?  
16 A. Artemisa told me that Shirley -- Sylvia  
17 Shirley or --  
18 Q. Whatever her name is.  
19 A. Whatever her name is.  
20 Q. She reggraded it?  
21 A. Is the one that reggraded it.  
22 Q. And she was a clinical instructor?  
23 A. Correct.

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1 Q. Was she the clinical instructor for that  
2 particular part of your clinical --  
3 whatever, the one that was supposed to have  
4 graded it to start with?  
5 A. It was between her and Artemisa.  
6 Q. So whatever happened, Lynn Harris said redo  
7 them if you want to; if you don't, that's  
8 fine. You chose to redo it. You made  
9 higher than a seven, right?  
10 A. Correct.  
11 Q. All right. What else did Lynn Harris do to  
12 you that was different from anybody else?  
13 How did she discriminate against you in a  
14 negative way in such a way that it hurt  
15 you? How did she treat you differently?  
16 A. In what course?  
17 Q. 272.  
18 A. In 272? I didn't really have too much of a  
19 problem with Lynn Harris in 272.  
20 Q. All right. You agreed with the grades in  
21 272?  
22 A. No.  
23 Q. Nevertheless, the grades are the grades

1 Q. Tell me as much as you can.  
2 A. When the ordeal happened with the second  
3 semester, having the D in 252 --  
4 Q. What are you calling the ordeal?  
5 A. What am I calling an ordeal?  
6 Q. The ordeal.  
7 A. The ordeal?  
8 Q. Yes.  
9 A. When I received my grade and went through  
10 the process of the grade appeal, I was  
11 treated -- I feel like I was treated  
12 unfairly because I didn't get the  
13 opportunity to go through all of the test  
14 questions, any kind of rationale or any  
15 kind of questions that I would have had  
16 about any of the tests that were given to  
17 me, and was stopped in the process when  
18 other instructors were helping me with  
19 trying to -- what is it, argue my side per  
20 se.  
21 Q. I'm trying to -- trying to tell the teacher  
22 she's wrong?  
23 A. If that's what you want to call it.

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1 that Lynn Harris gave you. Do you agree  
2 with that?  
3 A. Do I agree that those are the grades that  
4 she gave?  
5 Q. Yes.  
6 A. Yes.  
7 Q. Now, do you say, Ms. Wright, that for some  
8 reason, either Lynn Harris or some other  
9 person at the school was out to get you?  
10 A. Do I believe that?  
11 Q. Are you contending that in this case?  
12 A. Yes.  
13 Q. Explain that to me.  
14 A. From what I have been told by -- do you  
15 want names? Do you want me just to explain  
16 from start --  
17 Q. I want the whole deal. Yes, ma'am.  
18 A. Start to finish?  
19 Q. You just let it rip. Okay? You know how  
20 I'm doing. I want as much knowledge as I  
21 can get. I really want to understand your  
22 case. Okay?  
23 A. Okay.

1 Q. Well, that's what it is, isn't it? I mean,  
2 you -- let me ask you this.  
3 Did Lynn Harris meet with every single  
4 one of her students and elaborately go over  
5 these tests the way you wanted to go over  
6 them?  
7 A. No, she never made herself available for  
8 us.  
9 Q. Okay. Fine. Keep going. Okay? You were  
10 telling me how somebody is out to get you.  
11 A. When I filed for grade appeal, I was told  
12 that Dixie Peterson had told two  
13 instructors to -- well, I was told that she  
14 asked about everybody the first semester,  
15 how everybody did, what their grades were,  
16 and that I was specifically picked out and  
17 said that I was a weak student, that I  
18 didn't pass my LPN boards the first time,  
19 that I did not need to pass the second  
20 semester.  
21 Q. Okay. And that was Sandy Gunnels that told  
22 you that, right?  
23 A. Correct.

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1 Q. Did anyone else tell you that?

2 A. No.

3 Q. Do you know of anyone else that supposedly  
4 heard Dixie Peterson say that you should --  
5 What did she say again?

6 A. Lindy doesn't need to pass next semester.  
7 She's weak. She didn't pass her LPN boards  
8 the first time, so she won't pass her RN  
9 boards.

10 Q. And when did this occur?

11 A. The end of the first semester.

12 Q. That would be, what? August sometime,  
13 2005; is that right?

14 A. Yes.

15 Q. Are you saying that Sandy Gunnels told you  
16 that Dixie Peterson said that to Sandy  
17 Gunnels?

18 A. And Brenda Bellamy. She said that she said  
19 it to her and Brenda Bellamy.

20 Q. You've spoken with Brenda Bellamy since all  
21 of this, correct?

22 A. Correct.

23 Q. Does Brenda Bellamy confirm what Sandy

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1 did not pass her LPN licensing test -- or  
2 boards the first time, and she really does  
3 not need to go forward in the program or  
4 does not need to pass or whatever.

5 A. Correct.

6 Q. Is that correct?

7 A. Correct.

8 Q. But she did not say to Sandy Gunnels, I  
9 want you to fail her in this course, right?

10 A. I don't know exactly what she said to Sandy  
11 Gunnels because I was not in the room, but  
12 that's what Sandy relayed to me.

13 Q. Sandy Gunnels has never said to you that  
14 Dixie Peterson said to her, I want you to  
15 fail Lindy Wright in those words, has she?

16 A. No, she never said that.

17 Q. All she said was that Dixie Peterson  
18 commented about you, that you were a weak  
19 student and that you really did not need to  
20 go forward as an RN; isn't that right?  
21 Basically that. Not in those exact words,  
22 but basically that, right?

23 A. Right.

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1 Gunnels said about what Dixie said?

2 A. She doesn't recall, and we didn't go  
3 in-depth.

4 Q. So you asked Brenda Bellamy about it?

5 A. Has Dixie Peterson ever said anything about  
6 me to you. Not that I recall was her  
7 answer.

8 Q. And was this at the restaurant that night?

9 A. No.

10 Q. Where was it?

11 A. This was in passing at Doctors Hospital.

12 Q. So Sandy Gunnels, though, nevertheless says  
13 that that occurred, correct?

14 A. Correct.

15 Q. If I hear you correctly, Sandy Gunnels  
16 didn't say Dixie Peterson ordered me to  
17 fail Lindy Wright this next semester,  
18 right? What I think I heard you say -- I'm  
19 asking you to tell me if I'm hearing you  
20 correctly.

21 What I think I heard you say that Sandy  
22 Gunnels told you was that Dixie Peterson  
23 said Lindy Wright is a weak student. She

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1 Q. Tell me everything else you can tell me  
2 about somebody being out to get you.

3 A. And then the courses offered for the  
4 Nursing 200 in place of the 252, and I feel  
5 like that had been discussed between Dixie,  
6 Dean Lowe and whomever has the authority to  
7 do that to keep me from getting course  
8 forgiveness.

9 Q. Let me make sure I understand this. Okay?  
10 You're saying that when you were told that  
11 you could not retake 252 because it would  
12 not be offered again in view of the new  
13 curriculum or the new program and that you  
14 should nevertheless take 200 instead, that  
15 the people who told you that -- Dixie and  
16 Dean Lowe --

17 A. Um-huh. (Positive response.)

18 Q. -- had discussed the fact that you could  
19 not get course forgiveness?

20 A. I feel like they did. I don't know that  
21 for a fact.

22 Q. And you feel like they talked about the  
23 fact that you couldn't get course



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<p>1 forgiveness because the 252 course was not</p> <p>2 the same number as the 200 course?</p> <p>3 A. Correct.</p> <p>4 Q. Tell me everything you can tell me that's</p> <p>5 factual that you base that belief on.</p> <p>6 A. Because of her comments saying it's not</p> <p>7 like you've got course forgiveness. Then I</p> <p>8 went to Dean Hodge and asked for course</p> <p>9 forgiveness, and they're telling me that</p> <p>10 the course numbers don't match up. I</p> <p>11 didn't choose the course number. They</p> <p>12 chose the course number. They said they</p> <p>13 had to change it because of the course</p> <p>14 curriculum.</p> <p>15 And then the student in the -- the last</p> <p>16 semester that had taken the 272, they</p> <p>17 didn't change her course number because she</p> <p>18 would have actually had to come back the</p> <p>19 following year and take whatever course it</p> <p>20 is for the pediatrics. They gave her 272</p> <p>21 at the time that she came back during the</p> <p>22 summer to take it.</p> <p>23 Q. Who is that?</p>	<p>1 regardless?</p> <p>2 MS. COOLEY: I'm going to object</p> <p>3 to the form of that question.</p> <p>4 Q. Is that what you think? The president of a</p> <p>5 school can just do willy-nilly whatever</p> <p>6 they want to do, whether it's in the</p> <p>7 administrative part, the operations part,</p> <p>8 the academic part?</p> <p>9 A. From the past and the things that I've seen</p> <p>10 done with other students, yes.</p> <p>11 Q. So tell me everything that Dr. Blackwell</p> <p>12 has done with other students that you've</p> <p>13 seen in the past that leads you to believe</p> <p>14 this.</p> <p>15 A. Well, I've discussed three other students,</p> <p>16 and I'm sure that she knew what was going</p> <p>17 on with the other students because they all</p> <p>18 have to communicate what's going on with</p> <p>19 somebody and their livelihood as far as</p> <p>20 degree and --</p> <p>21 Q. So you're speculating, basically, right?</p> <p>22 You're speculating that Dr. Blackwell had</p> <p>23 something to do with Sizemore, with Rambo,</p>
Page 270	Page 272
<p>1 A. Corolla Rambo.</p> <p>2 Q. Okay. What else? Keep going.</p> <p>3 A. Laurel Blackwell when I had the meeting in</p> <p>4 her office, she tells me that she didn't</p> <p>5 have anything to do with the academics. I</p> <p>6 mean, I wouldn't -- I don't understand</p> <p>7 that, because she's the president of the</p> <p>8 college. So, I mean, she oversees</p> <p>9 everything I would expect.</p> <p>10 Q. So you disagree with Laurel Blackwell, too,</p> <p>11 about her job, right?</p> <p>12 A. Not about her job. About the way I was</p> <p>13 treated there.</p> <p>14 Q. Well, what you said was that she told you</p> <p>15 that she had nothing to do with academics,</p> <p>16 and you disagree with that?</p> <p>17 A. Correct.</p> <p>18 Q. And you disagree with that because she's</p> <p>19 the president of the school, right?</p> <p>20 A. Correct.</p> <p>21 Q. And you think that the president of the</p> <p>22 school is like the 500-pound parakeet?</p> <p>23 They can do whatever they want to do,</p>	<p>1 and with Umoh, right?</p> <p>2 A. Am I speculating that?</p> <p>3 Q. Right.</p> <p>4 A. Yes.</p> <p>5 Q. Is there anything else you can tell me that</p> <p>6 leads you to believe -- factual, anything</p> <p>7 factual you can tell me that leads you to</p> <p>8 believe that Dr. Blackwell had anything to</p> <p>9 do or knew anything about the academic</p> <p>10 aspects of those three people that you've</p> <p>11 told me about that you say were treated --</p> <p>12 that got special treatment?</p> <p>13 A. No.</p> <p>14 Q. Now, you were telling me about this</p> <p>15 conspiracy to get you. Is there anything</p> <p>16 else that relates to it that you have not</p> <p>17 already told me?</p> <p>18 A. Not that I can think of at this moment.</p> <p>19 Q. And tell me again who is involved in the</p> <p>20 conspiracy, the people that are involved in</p> <p>21 the conspiracy to get you.</p> <p>22 A. Dixie Peterson.</p> <p>23 Q. All right.</p>



<p style="text-align: right;">Page 273</p> <p>1 A. Dean Lowe.                  2 Q. All right.                  3 A. Dean Hodge.                  4 Q. All right.                  5 A. Laurel Blackwell was involved.                  6 Q. All right.                  7 A. Lynn Harris was involved.                  8 Q. You're saying all these people were                  9 involved in a conspiracy together to get                  10 you; is that right?                  11 A. Right.                  12 Q. Anybody else?                  13 A. No.                  14 Q. I've already asked you about                  15 Dr. Blackwell. And with regard to the                  16 conspiracy, I guess I have not really said                  17 tell me what Dixie Peterson did in the                  18 course of this conspiracy to get you, but                  19 tell me that.                  20 A. She offered me Nursing 200 in place of 252,                  21 and I was told that she told other                  22 instructors I did not need to pass because                  23 I was weak, insinuating to fail me.</p>	<p style="text-align: right;">Page 275</p> <p>1 discussed that and she knew beforehand that                  2 there was no need for me to do that because                  3 they had already discussed that nobody was                  4 to redo care plans --                  5 Q. All right.                  6 A. -- per Ms. Harris's comment.                  7 Q. What else?                  8 A. That's all I can think of right now.                  9 Q. How about Dean Lowe? What has he done in                  10 the course of this conspiracy to get you?                  11 A. Offer the Nursing 200 as well as Dixie                  12 Peterson and then told me that the D would                  13 not be held against me when, in fact,                  14 they're holding the D against me and not                  15 letting me proceed with my career path.                  16 Q. All right. Is that it?                  17 A. Uh-huh. (Positive response.) That's all I                  18 can think of right now.                  19 Q. How about Dean Hodge? What has Dean Hodge                  20 done in the course of this conspiracy to                  21 get you?                  22 A. When I explained to him about the Nursing                  23 200 class and the 252, he just told me to</p>
<p style="text-align: right;">Page 274</p> <p>1 Q. Sandy Gunnels told you that?                  2 A. Uh-huh. (Positive response.)                  3 Q. What else?                  4 A. When I was with Ms. Harris in her office                  5 the day that I was down there trying to                  6 review these tests, they were having their                  7 Christmas luncheon, I think. When I was                  8 trying to do this, she came over and got                  9 Ms. Harris and told me that I would have to                  10 come back, that they had things they had to                  11 do, they had a meeting, and it was to                  12 progress with their luncheon and that she                  13 didn't care if I dropped a bomb. She                  14 didn't care what I did.                  15 Q. Didn't care if you dropped a bomb?                  16 A. Correct. Those were her words. I don't                  17 care if you drop a bomb.                  18 Q. Talking about what Dixie Peterson said?                  19 A. Correct.                  20 Q. What else?                  21 A. She told me to go ask Ms. Harris to let me                  22 redo care plans that last semester when, in                  23 fact, her and Ms. Harris had already</p>	<p style="text-align: right;">Page 276</p> <p>1 turn in my grade forgiveness appeal paper,                  2 and I turned that in and didn't --                  3 Q. Talking about the course forgiveness?                  4 A. Yeah, the course forgiveness. And I didn't                  5 receive a response, and then I receive a                  6 letter stating that the course numbers                  7 didn't match, so I didn't get course                  8 forgiveness because the course number that                  9 they changed didn't match.                  10 Q. Anything else?                  11 A. Not right now.                  12 Q. And you've already told me everything about                  13 Dr. Blackwell, correct?                  14 A. Correct.                  15 Q. What has Lynn Harris done in the course of                  16 this conspiracy to get you?                  17 A. In the 252 class?                  18 Q. I don't know. I mean, it's your                  19 conspiracy.                  20 A. Well, she did not let me review. She did                  21 not give any rationale. She was not                  22 available for me. She wasn't available.                  23 Q. Anything else?</p>

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1 A. That's all I can think of right now.  
 2 (Defendant's Exhibit 11 was marked  
 3 for identification.)  
 4 Q. Let me show you what I've marked as  
 5 Defendant's Exhibit 11. It's a letter from  
 6 Katie Lackey to you dated April 29, 2005.  
 7 It says: Congratulations on your  
 8 acceptance into the ADN program. It  
 9 mentions an orientation meeting Thursday,  
 10 May 5 at 2:00 p.m. I'm sure that would be  
 11 2005. I don't know if you remember getting  
 12 that or not, but ...  
 13 That appears to be a letter to you,  
 14 correct?  
 15 A. Correct.  
 16 Q. Do you recall receiving it?  
 17 A. No.  
 18 Q. Any reason to think you did not receive it?  
 19 A. No.  
 20 Q. Is it to the correct address? 97 Green  
 21 Dudley Road.  
 22 A. No, it should have been 7716.  
 23 Q. 7716 Green Dudley Road?

1 Q. He never did?  
 2 A. No.  
 3 Q. Did y'all ever live together?  
 4 A. Yes.  
 5 Q. Where?  
 6 A. At 1563 Lee Road 239. That's where he  
 7 lives now.  
 8 Q. Where is that?  
 9 A. Smiths Station.  
 10 Q. Smiths Station. Is Salem close to Smiths  
 11 Station?  
 12 A. It's probably about 15 minutes.  
 13 Q. All right. When you filed your  
 14 application, you must have used that  
 15 address is the only thing I can think of.  
 16 Do you know whether you did?  
 17 A. I don't remember.  
 18 Q. Did you go to an orientation session on May  
 19 5 at the school?  
 20 A. I'm sure I'd remember if I did. I don't  
 21 recall.  
 22 (Defendant's Exhibit 12 was marked  
 23 for identification.)

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1 A. Boulder Drive, Columbus, Georgia.  
 2 Q. What is 97 Green Dudley Road?  
 3 A. That's where Scott McCraine lived.  
 4 Q. Before y'all got married?  
 5 A. Correct.  
 6 Q. And then y'all moved to Columbus?  
 7 A. No. That's where he lived.  
 8 Q. That's where he lived after you separated?  
 9 A. No. That was before we got married.  
 10 Q. Before you got married?  
 11 A. Correct.  
 12 Q. So where did you live after you got  
 13 married?  
 14 A. 7716 Boulder Drive.  
 15 Q. In Columbus?  
 16 A. Yes. I have always --  
 17 Q. You've always lived there?  
 18 A. Correct.  
 19 Q. Did Scott live there with you after you got  
 20 married?  
 21 A. Where?  
 22 Q. On that Boulder place.  
 23 A. No.

1 Q. Let me show you what I'm marking as  
 2 Defendant's Exhibit 12, Ms. Wright, to your  
 3 deposition. Would you look at them and  
 4 tell me what they are.  
 5 A. Tax returns.  
 6 Q. What year or years are they?  
 7 A. 2004, 2002, 2003, 2005 and 2006.  
 8 Q. Are those your tax returns?  
 9 A. Yes, sir.  
 10 Q. Do they have anyone else's income on them  
 11 other than your income?  
 12 A. Yes.  
 13 Q. Which one does? 2006 doesn't. Five  
 14 doesn't. Four, Scott McCraine --  
 15 A. Yes.  
 16 Q. -- and Lindy Wright, 97 Green Dudley Road,  
 17 Salem, Alabama.  
 18 Is 2003 in here?  
 19 A. I think so.  
 20 Q. You think so?  
 21 A. I think so. Is it back there?  
 22 Q. 2004 in the very back, which is out of  
 23 place. 2002 is here. That is Jason Warren

<p style="text-align: right;">Page 281</p> <p>1 and Lindy Warren. Were you divorced in                  2 2002 from Jason Warren?                  3 A. Correct. I think it was 2002.                  4 Q. That lists 7716 Boulder Drive, Columbus.                  5 A. Correct.                  6 Q. Did you say that's your mother's house?                  7 A. Uh-huh. (Positive response.)                  8 Q. Yes?                  9 A. Yes.                  10 Q. And did you and Jason Warren live there --                  11 A. Yes.                  12 Q. -- together?                  13 There's 2003, Lindy Warren, 7716                  14 Boulder Drive. Okay. You produced these                  15 pursuant to our request for production,                  16 correct?                  17 A. Correct.                  18 Q. I'll give you a packet of material that you                  19 produced to us today.                  20 (Defendant's Exhibit 13 was marked                  21 for identification.)                  22 Q. If we could, let's go through these names,                  23 please.</p>	<p style="text-align: right;">Page 283</p> <p>1 A. Clinical instructor.                  2 Q. Is that the only reason she's --                  3 A. Correct.                  4 Q. Why is Artemisa Harmon on it?                  5 A. She's the clinical instructor that                  6 supposedly failed Shannah Lowe in the                  7 clinical setting and gave me back the                  8 regraded care plan.                  9 Q. Any other reason for her being on it?                  10 A. No.                  11 Q. Sylvia Shirley, why is she on it?                  12 A. She is one of the clinical instructors that                  13 I was told that regraded that care plan.                  14 Q. Is that the only reason she's on it?                  15 A. Yes.                  16 Q. Bridgett Jackson.                  17 A. Because she was one of our -- she was our                  18 lead clinical instructor, and she was the                  19 one that I was told that let -- well, took                  20 Shannah Lowe down into the lab to rectify                  21 her wrong in the clinical setting.                  22 Q. Is that the only reason she's on it?                  23 A. Yes.</p>
<p style="text-align: right;">Page 282</p> <p>1 Jill Boyette, I think you've told me                  2 who she is. She was a member of your                  3 clinical group?                  4 A. Correct.                  5 Q. What is she on this witness list for?                  6 A. She is the one that brought the attention                  7 to our clinical group about Shannah Lowe                  8 receiving special treatment.                  9 Q. Okay. Is that the only reason she's on it?                  10 A. Correct.                  11 Q. Is this her current residence?                  12 A. As far as I know.                  13 Q. Why is Brenda Bellamy on the list?                  14 A. She was supposed to be one of the                  15 instructors that Dixie communicated that I                  16 was weak to and that I did not need to pass                  17 the next semester.                  18 Q. Is that the only reason?                  19 A. Yes.                  20 Q. Why is Wendy Wall on here?                  21 A. Because she knows information about Arit                  22 Dan Umoh.                  23 Q. Did you say she was an instructor?</p>	<p style="text-align: right;">Page 284</p> <p>1 Q. Sandy Gunnels and records. What does that                  2 mean, Sandy Gunnels and records?                  3 A. She came in and gave a deposition and said                  4 she had several records pertaining to the                  5 school and the faculty and Arit.                  6 Q. And what?                  7 A. Arit Umoh.                  8 Q. Records concerning the faculty, the school,                  9 and Ms. Umoh?                  10 A. Correct.                  11 Q. And you don't have a copy of those?                  12 A. No, I don't.                  13 Q. Your lawyers don't have a copy of those?                  14 A. I don't know.                  15 MS.COOLEY: (Shakes head from                  16 side to side.)                  17 Q. Okay. Arit Umoh. The reason she's on                  18 there, I guess, is because of the -- what                  19 you've already told me, correct?                  20 A. Correct.                  21 Q. Sherika Derico?                  22 A. Derico.                  23 Q. Why is she on your list?</p>

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Deposition of Lindy Wright

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<p>1 A. She was the clinical instructor that I had 2 for the Nursing 200. 3 Q. So what can she add to this? 4 A. When I -- when myself and Elise Sizemore 5 were in that clinical group, she was asking 6 us why were we there, why did we have to 7 redo clinicals, and we had no explanation. 8 All we know was that we were told to do it. 9 Q. When was this, now? 10 A. The Nursing 200. 11 Q. Is that all for her? 12 A. Yes. 13 Q. Shannah Lowe, you've already talked to us 14 about her doing the child's IV. 15 A. Yes. 16 Q. Is that all for her? 17 A. Uh-huh. (Positive response.) 18 Q. Yes? 19 A. Yes. 20 Q. Lynn Harris, I think we know about her. 21 Kim Smith gave a statement that you've 22 produced. Have you read her statement? 23 A. No.</p>	<p>1 A. I don't know unless that's Elise's 2 husband. I don't know. 3 Q. Do you know what this e-mail is about? 4 A. No. 5 Q. It's a read receipt, apparently, dated 6 1-31-06, indicating that -- I believe it 7 indicates that Dixie Peterson received and 8 opened an e-mail from Dale Sizemore. Do 9 you know what that's about? 10 A. No. 11 Q. It may be this letter here. 12 MR. DUMBUYA: What is Exhibit 13 Number 13? 14 MR. NIX: It's this packet of 15 documents that y'all produced 16 today. 17 MR. DUMBUYA: Is that a list of 18 witnesses? 19 MR. NIX: It's several things 20 actually, Peter. It's a list 21 of witnesses -- 22 MS. COOLEY: We've got it. 23 MR. DUMBUYA: I'm just trying to</p>
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<p>1 Q. Go to the next thing. It's Elise Sizemore 2 giving you permission to use records, my 3 transcripts and letter for evidence, and 4 then her letter is here. Have you read her 5 letter to Dean Hodge? 6 A. No. 7 Q. Do you know what the letter is about? 8 A. No. 9 Q. Do you have the attachments to the letter? 10 A. Do I have attachments -- 11 Q. On page three, it lists what appear to be 12 some attachments, I think, anyway. 13 MR. NIX: Are those attachments? 14 Do y'all know? 15 A. These look like the syllabus. You have 16 copies of those -- or something out of the 17 syllabus. I have no idea. 18 Q. I see. She's listing all the names of the 19 people in the clinical group in number 20 three, but -- 21 Then the very last thing is an e-mail 22 from Dixie Peterson to Dale Sizemore. Who 23 is Dale Sizemore?</p>	<p>1 find out how you entitled it. 2 MR. NIX: I don't know that I did 3 really. 4 Q. Did you receive a copy of the catalog and 5 handbook at some point in time before you 6 started school at CVCC in the RN program? 7 A. I picked one up. 8 Q. Before you started school? 9 A. I'm sure I did. 10 Q. Do you know what a Comprehensive Predictor 11 Exam is? 12 A. I received it in the mail. 13 Q. Huh? 14 A. I received one in the mail. I think it's 15 the same thing. 16 Q. Oh, really? Do I have that? 17 A. I think that's what it is. I don't know. 18 MR. NIX: Did y'all produce that? 19 MS. COOLEY: I don't have that. 20 THE WITNESS: This was -- I don't 21 think that was asked for in 22 there, but I brought it 23 anyway.</p>

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1 MR. NIX: I'll tell you what. If  
 2 we didn't ask for it -- we  
 3 asked for everything -- I  
 4 mean, really, it's so broad.  
 5 MS. COOLEY: We'll go ahead and  
 6 get --  
 7 MR. NIX: Thank you.  
 8 Q. Where did that come from?  
 9 A. (Indicates.)  
 10 Q. It's a manila envelope with your name and  
 11 address and a CVCC return address. It  
 12 didn't come with a cover letter or note or  
 13 anything?  
 14 A. I don't recall.  
 15 Q. The postage mark says May 16, 2006. I'll  
 16 tell you what.  
 17 (Defendant's Exhibit 14 was marked  
 18 for identification.)  
 19 Q. I'm going to mark the front of this  
 20 envelope that that Predictor exam came in  
 21 14. Defendant's 14 is the envelope, the  
 22 brown or the manila envelope that you  
 23 received that Predictor exam in, correct?

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1 A. Yes.  
 2 Q. You don't know the name of the individual  
 3 or the person who sent it to you --  
 4 A. No.  
 5 Q. -- from CVCC?  
 6 I want to ask you about some  
 7 correspondence.  
 8 (Defendant's Exhibit 15 was marked  
 9 for identification.)  
 10 Q. Defendant's Exhibit 15 is a letter from a  
 11 person named Connie Cooper. Who is Connie  
 12 Cooper?  
 13 A. She's an attorney in Phenix City.  
 14 Q. Has she ever represented you?  
 15 A. She has.  
 16 Q. Does she represent you now?  
 17 A. No.  
 18 Q. This letter is dated January 10, 2006, from  
 19 Connie Cooper, Defendant's Exhibit 15, to  
 20 Dean James Lowe. Apparently, Connie Cooper  
 21 spoke with him. She writes following up on  
 22 a conversation. Said that she had been  
 23 retained to assist you in the pursuit of

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1 your due process rights regarding a grade  
 2 appeal of two college courses. Is that why  
 3 you hired Ms. Cooper?  
 4 A. Yes.  
 5 Q. It was to assist you in that regard?  
 6 A. Yes.  
 7 (Defendant's Exhibit 16 was marked  
 8 for identification.)  
 9 Q. Defendant's Exhibit 16 is a copy of your  
 10 letter to Dean Hodge, is that right --  
 11 A. Correct.  
 12 Q. -- dated May 19, 2006. And you say: Dean  
 13 Hodge, I would like to take this  
 14 opportunity to ask for course forgiveness  
 15 for Nursing 252. After researching the  
 16 student handbook, I found that it is the  
 17 student's responsibility to ask for course  
 18 forgiveness. And you cite some pages, it  
 19 appears, and some course numbers here.  
 20 Have we already talked about all of the  
 21 discussions you had with Dean Hodge about  
 22 this request for course forgiveness?  
 23 A. Yes, sir, I think so.

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1 Q. So the last paragraph of this letter,  
 2 Ms. Wright, says -- to Dean Hodge: I have  
 3 since finished the last semester of the  
 4 associate degree of nursing program.  
 5 Unfortunately, I earned a D in Pediatric  
 6 Nursing. I am asking for course  
 7 forgiveness so that I can participate in a  
 8 summer class to earn the credit to finish  
 9 this program, correct?  
 10 A. Correct.  
 11 Q. So that at the time you were rendered  
 12 disqualified from the program for failing  
 13 two different nursing courses, your  
 14 intention was to continue on in school and  
 15 take this course, Pediatric Nursing; is  
 16 that right?  
 17 A. Correct.  
 18 Q. And it would have taken you through an  
 19 additional semester; is that right?  
 20 A. Correct.  
 21 Q. But you did not engage in that course in  
 22 that semester, correct --  
 23 A. Correct.



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1 Q. -- because you were rendered unqualified by  
2 the school?

3 A. Correct.

4 (Defendant's Exhibit 17 was marked  
5 for identification.)

6 Q. Number 17 is another letter from Connie  
7 Cooper. It's dated June 7, 2006. Is that  
8 what that is?

9 A. I think so. Two pages, and then a  
10 signature on the back page?

11 Q. That's correct. It's to Dr. Blackwell from  
12 Connie Cooper.

13 Have you read this letter?

14 A. Yes, sir.

15 Q. Did you ask Connie Cooper to write the  
16 letter?

17 A. Yes.

18 Q. Do you agree with the contents of the  
19 letter?

20 A. I haven't read it recently. But if I asked  
21 her to do it, I'm sure I agree.

22 Q. This letter from Connie Cooper to  
23 Dr. Blackwell dated June 7, 2006, which is

1 Dean Lowe and Dixie Peterson?

2 A. Correct.

3 Q. When were you first told that by them?

4 A. That second semester before the grade  
5 appeal and that process took place.

6 Q. I'm sorry. The second semester, which  
7 would have been fall 2005?

8 A. Right.

9 Q. During the grade appeals of 271 and 252,  
10 those courses, right?

11 A. Right.

12 Q. Well, the letter is referring to 272 and  
13 252. Further, on page one, it says: That  
14 aside, my client was willing to take --  
15 retake Nursing 272 which is being offered  
16 this summer in order to graduate. She also  
17 turned in a request for course  
18 forgiveness.

19 She has attempted to contact Dean Lowe  
20 and Dixie Peterson and Sanquita Alexander  
21 in order to be allowed to be placed in  
22 Nursing 272. She has had no response from  
23 this request. She has been informed by

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1 Defendant's Exhibit 17, says in part -- I'm  
2 going to start reading from the very bottom  
3 right here where it says she, bottom of  
4 page one.

5 She has attempted to contact Dean Lowe,  
6 Ms. Dixie Peterson, and Sanquita  
7 Alexander -- is that the way you say it --  
8 Sanquita Alexander in order to be allowed  
9 to be placed in Nursing 272.

10 That would have been for the summer  
11 semester of 2006?

12 A. Right.

13 Q. She has had no response from this request.  
14 She has been informed by both Dean Lowe and  
15 Dixie Peterson that due to the fact that  
16 she failed Nursing 252, she now has two  
17 failures and cannot continue in the  
18 program.

19 Do you see that?

20 A. Uh-huh. (Positive response.)

21 Q. Yes?

22 A. Yes.

23 Q. Do you agree that you were told that by

1 both Dean Lowe and Dixie Peterson that due  
2 to the fact that she failed Nursing 252,  
3 she now has two failures and cannot  
4 continue the program.

5 Is that correct?

6 A. Correct.

7 Q. So apparently, Dean Lowe and Dixie Peterson  
8 told you -- they may have told you in the  
9 fall, also, but they told you sometime in  
10 the spring of 2006 that a failure in 272  
11 and 252 disqualified you in the program.

12 A. In the -- when was that again? When did  
13 you say?

14 Q. Sometime in the spring of 2006. This  
15 letter is dated June 7, 2006.

16 A. This letter was after graduation.  
17 Graduation was in May. I went to her after  
18 that to try and get something resolved  
19 and --

20 Q. When you say her, you mean Connie Cooper?

21 A. Connie Cooper.

22 Q. Okay.

23 A. -- to get something resolved. And you're

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1 asking me --

2 Q. All I'm saying -- I had asked you when Dean

3 Lowe and Dixie Peterson told you that two

4 failures would make you ineligible to

5 complete the program, and you said in the

6 fall of 2005.

7 What I'm asking you and what I'm saying

8 is, this letter indicates that Dixie

9 Peterson and Dean Lowe told you that in

10 relation to your failure of Nursing 272 and

11 252 --

12 And the failure of 272 did not occur

13 until the end of the spring semester of

14 2006, correct?

15 A. Correct. Also, when 271 was involved

16 before that grade was changed, they were

17 telling me that I had two failures and

18 could not return. The grade appeal took

19 place. The 271 was changed to a C, so

20 therefore I was able to move on.

21 Q. Right.

22 A. And they offered me Nursing 200 in place of

23 252.

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1 Well, we move onto the next semester,

2 and they said I don't have enough points in

3 272, but have finished and made an A in

4 200, which if the course number had not

5 been changed, then I should have had no

6 problem with the course forgiveness.

7 Therefore, that would have erased that

8 D from my transcript, replaced it with an

9 A. My GPA would have stayed the same. I

10 would have had one D and that summer been

11 able to take whatever course number they

12 wanted to create for me to take and I would

13 have been able to graduate.

14 Q. But you failed 272 --

15 A. Correct.

16 Q. -- which is something that I assume you had

17 not anticipated.

18 A. No.

19 Q. And thereafter, apparently, Dean Lowe and

20 Dixie Peterson told you that you had failed

21 two courses, 272 and 252, and were

22 therefore no longer eligible to be in the

23 program.

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1 A. Correct.

2 Q. This letter also says on page two -- and

3 I'm referring now to Defendant's Exhibit

4 17, the June 7, 2006, letter of Connie

5 Cooper. It says: My client has personal

6 knowledge of another student who had two

7 failures in the nursing program and was

8 allowed to graduate. Who is that?

9 A. That would have been Arit Umoh.

10 Q. And she was -- correct me if I'm wrong,

11 now. She was not in any of your classes,

12 correct?

13 A. She was in that clinical.

14 Q. Check-off?

15 A. Check-off.

16 Q. But that's just like a one-day thing,

17 right?

18 A. Correct.

19 Q. It's like -- You've already said, I think,

20 she was not in that clinical group,

21 correct?

22 A. She was not in any of my clinical groups.

23 She was in that clinical check-off.

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1 Q. That one day.

2 A. Correct.

3 Q. And she was not in any class that you took.

4 A. Correct.

5 Q. I assume therefore that any knowledge you

6 have about Ms. Umoh and the allegation of

7 two failures in the nursing program came

8 from someone else other than yourself. You

9 do not know that based upon looking at

10 documents or records at the school, right?

11 A. Correct.

12 Q. So who did you hear that from?

13 A. Sandy Gunnels and Wendy Wall.

14 Q. This letter also says, Ms. Wright, this

15 Defendant's Exhibit 17, the June 7, 2006,

16 letter of Connie Cooper -- let me read it.

17 It says: Most importantly, my client was

18 accused of cheating, and this information

19 was relayed to other students in the

20 program. It appears there was constant

21 turmoil in the program.

22 When were you accused of cheating?

23 A. I think that was the last semester.

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1 Q. The spring of 2006?  
 2 A. Yes. Pediatrics.  
 3 Q. Who made the accusation?  
 4 A. Lynn Harris, Dixie Peterson, and Dean Lowe.  
 5 Q. In what part of the year, what part of the  
 6 semester did they say that you'd cheated?  
 7 A. I don't know what part of the semester. It  
 8 wasn't the beginning of the semester. It  
 9 wasn't the end. Maybe middle, middle of  
 10 the semester. I don't know what the exact  
 11 date was.  
 12 Q. How did they say you had cheated?  
 13 A. They said that it was brought to their  
 14 attention that myself and another student  
 15 had documentation that other students were  
 16 not privy to.  
 17 Q. What documentation was that?  
 18 A. They didn't say what documentation.  
 19 Q. Do you know what documentation?  
 20 A. No.  
 21 Q. Who was the other student?  
 22 A. April Gunnels.  
 23 Q. Whatever became of the cheating accusation

1 and Dixie Peterson --  
 2 And who else did you say?  
 3 A. Lynn Harris.  
 4 Q. -- confronted you about it?  
 5 A. Correct.  
 6 Q. I mean, did you ever hear any more after  
 7 the first time they confronted you about  
 8 it?  
 9 A. No, not specifically. But when I was in  
 10 the meeting with Dixie Peterson and Dean  
 11 Lowe in his office talking about not being  
 12 able to go on the summer semester and  
 13 failing the pediatrics or -- I think that's  
 14 what it was, she -- I said, and then you've  
 15 accused me of cheating. And I said, you  
 16 know, I don't do that.  
 17 And she said, your grade did not  
 18 reflect cheating, did it? I said, no, it  
 19 did not. I made probably a C on that test,  
 20 I think. And then when she retested, I may  
 21 have gotten a point higher than what I  
 22 originally made.  
 23 Q. Okay.

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1 allegation?  
 2 A. Lynn Harris made the whole class take a  
 3 test over.  
 4 Q. Do you know what test that was?  
 5 A. If I'm not mistaken, it had something to do  
 6 with the pediatric GI, gastrointestinal  
 7 tract.  
 8 Q. This would have been in the spring -- we've  
 9 already talked about that.  
 10 A. (Witness nods head up and down.)  
 11 Q. And you don't know what material they said  
 12 you had, you and April Gunnels had the  
 13 other students did not have?  
 14 A. They said documentation. They didn't  
 15 specify.  
 16 Q. Documentation related to a test?  
 17 A. They didn't say related to a test. They  
 18 just said documentation.  
 19 Q. All right. You say Lynn Harris gave the  
 20 whole class the test over?  
 21 A. Correct.  
 22 Q. Did you ever hear anything further about  
 23 that allegation of cheating after Dean Lowe

1 (Defendant's Exhibit 18 was marked  
 2 for identification.)  
 3 Q. Let me mark this real quick and show you  
 4 this. Defendant's Exhibit 18, what is  
 5 that, please, ma'am?  
 6 A. It says NLN Diagnostic Readiness Test  
 7 Performance Profile.  
 8 Q. When was that taken? Do you know?  
 9 A. The last semester.  
 10 Q. April '06 -- I'm sorry. What am I saying?  
 11 Spring '06?  
 12 A. Yes, sir.  
 13 Q. You apparently received it not too long  
 14 after it was taken because the postmark is  
 15 May 16, 2006. Would that be correct?  
 16 A. Correct.  
 17 Q. Did you read it?  
 18 A. I looked over it. I didn't flip through  
 19 it.  
 20 Q. It says probability of success on NCLEX.  
 21 Your performance on this test was close to  
 22 the minimum needed to pass NCLEX. What's  
 23 NCLEX?

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1 A. That's the test you take for your boards.  
 2 Q. Without serious preparation, the  
 3 probability that you will pass NCLEX is  
 4 marginal. Use this individualized report  
 5 to target your specific needs. Your score  
 6 was higher than 26 percent of all examinees  
 7 in the norming sample when they took NCLEX.  
 8 Your score was higher than 22 percent of  
 9 the examinees in the norming sample who  
 10 passed NCLEX.  
 11 What does that mean to you? You've got  
 12 it there.  
 13 A. What does it mean to me? It means that I  
 14 would probably need to prepare before I sat  
 15 down and took my boards a little bit more.  
 16 Q. What does marginal mean?  
 17 A. Possibility that I would not pass.  
 18 Q. Okay. Is this something that's done by the  
 19 school for every class that is close to  
 20 graduating, taking their boards?  
 21 A. I'm not sure if it's every class. I know  
 22 it was for mine.  
 23 Q. Everybody in the class took this, correct?

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1 A. Correct.  
 2 (Defendant's Exhibit 19 was marked  
 3 for identification. )  
 4 Q. Let me show you Defendant's 19. It's the  
 5 June 13, 2006, letter from Dr. Blackwell to  
 6 Connie Cooper in response to Connie  
 7 Cooper's June 7 letter. Do you have that?  
 8 A. Yes, sir. I have a copy.  
 9 Q. You have it in your materials, don't you,  
 10 that you brought?  
 11 A. Uh-huh. (Positive response.)  
 12 Q. I assume that when Ms. Cooper received  
 13 this, she gave you a copy of this letter,  
 14 correct?  
 15 A. Correct.  
 16 Q. Did you take issue with any part of this  
 17 letter?  
 18 A. That's when I contacted Jennifer Cooley. I  
 19 was referred to her by Ms. Cooper and  
 20 another attorney. I can't remember his  
 21 name. Ms. Cooper had him look over some  
 22 things.  
 23 Q. The following -- this is part of the letter

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1 from Dr. Blackwell. It says that policy  
 2 number 11, students enrolled in the Nursing  
 3 Mobility Program must earn a C or higher in  
 4 all required courses in the nursing  
 5 curriculum in both nursing and non-nursing  
 6 courses. This includes satisfactory  
 7 completion of the clinical components of  
 8 each course. Failure of clinical  
 9 components results in failure of the  
 10 course.  
 11 Do you agree that that's accurately  
 12 stated as the policy of the school?  
 13 A. Correct.  
 14 Q. And that you failed NUR 252 in the fall of  
 15 2005, correct?  
 16 A. Correct.  
 17 Q. And you failed NUR 272 in the spring 2006,  
 18 correct?  
 19 A. Correct.  
 20 Q. Then Dr. Blackwell quotes policy number  
 21 13. Nursing courses NUR 252, 271, 272, it  
 22 goes on with other numbers, may be repeated  
 23 only once and are to be taken the next

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1 semester a course is offered provided space  
 2 is available. If the student does not pass  
 3 the nursing course on the second attempt,  
 4 that student shall be excluded from the  
 5 nursing program, but not the college.  
 6 Students who repeat those courses will be  
 7 encouraged to successfully complete review  
 8 packets for each course before retaking.  
 9 Do you agree that that's the policy?  
 10 A. Correct.  
 11 Q. And then she says: NUR 252 would not be  
 12 offered again because of the implementation  
 13 of the standardized statewide curriculum,  
 14 so a substitute had to be offered in order  
 15 for Ms. Wright to be able to repeat the  
 16 course. As a result, NUR 200 was  
 17 substituted for the course NUR 252 which  
 18 would no longer be offered, correct?  
 19 A. Correct.  
 20 Q. However, NUR 200 did not take away the  
 21 failing grade of NUR 252. It merely  
 22 allowed an opportunity for Ms. Wright to  
 23 repeat a failed course, right?



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<p>1 A. Correct.</p> <p>2 Q. Isn't that what you understood to be the</p> <p>3 case the whole time, is that when you're</p> <p>4 given an opportunity to repeat a failed</p> <p>5 course, if they had had 252, you could have</p> <p>6 taken that, but the opportunity to take 200</p> <p>7 is like the repeating of a failed course,</p> <p>8 but it does not take away the failing grade</p> <p>9 that you made initially?</p> <p>10 A. Because the course numbers don't match --</p> <p>11 no, I didn't understand it that way.</p> <p>12 Q. Even if the course numbers had matched,</p> <p>13 isn't it correct that the policy would not</p> <p>14 allow for the failing grade in the original</p> <p>15 taking of NUR 252 to be taken away?</p> <p>16 A. No, not according to course forgiveness.</p> <p>17 Q. Okay.</p> <p>18 A. It states that that letter grade would be</p> <p>19 taken away, replaced by the new letter</p> <p>20 grade, but your GPA would stay the same.</p> <p>21 Q. Policy 14: The nursing student must</p> <p>22 complete the entire nursing program within</p> <p>23 24 months of the date he or she begins his</p>	<p>1 A. I don't have it.</p> <p>2 Q. Page 105, 106, and 107. That's not</p> <p>3 attached to your copy of it, I assume.</p> <p>4 (Defendant's Exhibit 20 was marked</p> <p>5 for identification.)</p> <p>6 Q. 20 is Jennifer's letter dated July 28,</p> <p>7 2006, to Dr. Blackwell. Have you seen this</p> <p>8 letter?</p> <p>9 A. Yes.</p> <p>10 Q. And this letter included attachments, all</p> <p>11 of which are here. One of the attachments</p> <p>12 is the grade appeal for 252. Tell me if</p> <p>13 that's right or wrong.</p> <p>14 A. Yes.</p> <p>15 Q. Do you have that there?</p> <p>16 A. No, I don't have that with me.</p> <p>17 Q. Let me ask you this. It looks to me like</p> <p>18 this is a misprint or a misfiled --</p> <p>19 mis-Xerox of what's on the next page, this.</p> <p>20 A. That is a copy of --</p> <p>21 Q. Two pages?</p> <p>22 A. I've got that.</p> <p>23 Q. Would you take a look at this. That's one</p>
Page 310	Page 312
<p>1 or her studies in the program or be</p> <p>2 excluded from the nursing program. If a</p> <p>3 nursing student fails two different nursing</p> <p>4 courses within the 24-month period, he or</p> <p>5 she will be excluded from the program and,</p> <p>6 all caps, cannot reapply.</p> <p>7 Do you agree that that's the policy?</p> <p>8 A. Yes.</p> <p>9 Q. You failed three courses actually, but you</p> <p>10 were given a break on 271 because of a</p> <p>11 problem with Tawyna Cash's not responding</p> <p>12 to your grade appeal. But the failing of</p> <p>13 272 and 252 fit within that policy number</p> <p>14 14, don't they, to make you non-eligible</p> <p>15 for attendance in the nursing program?</p> <p>16 A. Are you asking me for yes or no?</p> <p>17 Q. Yes.</p> <p>18 A. Yes.</p> <p>19 Q. Look at the attachments to -- do you have</p> <p>20 those?</p> <p>21 A. I think that's it, but I'm not sure.</p> <p>22 Q. It looks like that right there. It says</p> <p>23 Mobility Program (ADN) Admissions Criteria.</p>	<p>1 of the documents behind the July 28 letter</p> <p>2 of Jennifer Cooley. It's attached to the</p> <p>3 grade appeal, 252.</p> <p>4 A. Yes, sir.</p> <p>5 Q. Is that a document that you prepared?</p> <p>6 A. Yes.</p> <p>7 Q. Is that sort of like your version of the</p> <p>8 events of what occurred with regard to that</p> <p>9 course?</p> <p>10 A. Yes.</p> <p>11 Q. Let's do this. This is going to be 20.</p> <p>12 I'm going to do the same thing I did on the</p> <p>13 other one. 20-A page one, B page two, C is</p> <p>14 page three.</p> <p>15 That's the grade appeal form that you</p> <p>16 completed. You did complete that form, did</p> <p>17 you not, 20-C?</p> <p>18 A. Yes.</p> <p>19 Q. 20-D is what appears to me to be that kind</p> <p>20 of messed up copy, and then 20-E is page</p> <p>21 one of your version of the events relative</p> <p>22 to 252, correct?</p> <p>23 A. Correct.</p>



Deposition of Lindy Wright

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<p>1 Q. 20-F is the second page of it where you 2 signed; is that right? 3 A. Right. 4 Q. You quote a section -- or you refer to CVCC 5 Policy 6.7.2. What were you referring to? 6 A. That had to be something out of the course 7 catalog. I don't have the course catalog 8 in hand, so I'd have to ... 9 Q. It says that I was advised to continue with 10 the appeal process. That's Sandy Gunnels 11 advising you, right? 12 A. Correct. 13 Q. Page 20-E says that an instructor was not 14 assigned until week five of the semester. 15 A. Of that second -- yes, that semester, 16 correct. 17 Q. Did you know that Sandy Gunnels just walked 18 out, just left without a word or without 19 any prior warning? 20 A. No. 21 Q. It's reasonable, isn't it, that it takes 22 some time to fill a spot like that, for a 23 school to fill a space like that for a</p>	<p>1 this if it's correct; isn't that true? 2 A. Correct. 3 Q. Every student in the class had to deal with 4 the same situation about when the grades 5 were posted by Ms. Harris on course number 6 252, correct? 7 A. Correct. 8 Q. The next attachment -- let's see. G is the 9 January 10, 2006, letter of Connie Cooper 10 that we've talked about. 11 And then H is the first page of an 12 unofficial transcript, and I is the second 13 page of an unofficial transcript. Do you 14 know how this was obtained, 20-H and I? 15 A. This was from me -- off of my computer, 16 going to their Web site and printing it 17 off. 18 Q. This is your entire transcript, isn't it, 19 from your whole attendance at all 20 Chattahoochee Valley Community College 21 courses, correct? 22 A. Correct. 23 Q. This shows your Nursing 252 grade on 20-I.</p>
Page 314	Page 316
<p>1 professor? 2 A. Are you asking -- 3 Q. Yeah. Sure. I mean, it's reasonable, 4 isn't it, that it takes some time to get a 5 professor of worth to fill a spot like the 6 teaching of a nursing course, a 7 professional course? 8 A. I don't know how long it would take them 9 to -- 10 Q. You know it has to take some time, right? 11 A. I guess. I mean, I don't know. 12 Q. But they did -- it says here that a guest 13 speaker was utilized until that time. 14 Guest speaker on respiratory system 15 specifically instructed the class that 16 compensatory mechanisms on ABG's would not 17 be included on the exam. Then it says: 18 Two questions directly related to 19 compensation were on the exam. Other exams 20 were not given on the dates scheduled and 21 for which students prepared. Right? 22 A. Right. 23 Q. Every student in the class had to deal with</p>	<p>1 Page 20-I is a D; isn't that right? 2 A. Yes. 3 Q. And it shows your 271 grade which Tawyna 4 Cash taught is a C, correct? 5 A. Correct. 6 Q. That C was put there because Ms. Cash was 7 really an employee at another school where 8 she taught nursing and did not respond to 9 your grade appeal, correct? 10 A. That's what I was told. 11 Q. J is the Hodge letter that you wrote to 12 Dr. Hodge. K is the June 7 Connie Cooper 13 letter. L is the June 13, 2006, letter 14 from Dr. Blackwell that we've discussed. M 15 is the June 13 letter from Dr. Blackwell we 16 discussed, and that is where I think that 17 packet ends. 18 Of course, the letter from Jennifer is 19 on top of June 28. Now, was there a 20 response to this letter of June 28 -- of 21 July 28, 2006, Exhibit 20? 22 A. I don't know. 23 MS.COOLEY: I don't either. We</p>

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<p>1 don't know if there was a 2 response. We think there 3 was. We're going to look for 4 it. 5 MR. NIX: All right. 6 MS. COOLEY: You can read that. 7 Ms. Miller I believe is her 8 name. 9 MR. NIX: Tracy Miller? 10 MS. COOLEY: Uh-huh. (Positive 11 response.) Then it becomes 12 y'all. 13 For some reason, I 14 thought there was a response 15 from Dr. Blackwell. 16 MR. NIX: Let me mark that. 17 MS. COOLEY: You can have it 18 because I don't believe that 19 attorney is involved in this 20 anymore. 21 (Defendant's Exhibit 21 was marked 22 for identification.) 23 Q. Defendant's Exhibit 21 is a letter from</p>	<p>1 her information; however, we will need the 2 following form completed to be placed in 3 her file. Attached is an authorization 4 that you appear to have signed, correct? 5 A. Correct. 6 MR. NIX: Take a look at that, 7 Jennifer. 8 MS. COOLEY: (Nods head up and 9 down.) 10 MR. NIX: It looks familiar? 11 MS. COOLEY: Yes. 12 MR. NIX: I'm glad somebody else 13 has things in other parts of 14 their file besides me. 15 MS. COOLEY: Yes. 16 MR. NIX: I was going to show it 17 to her real quick. 18 MS. COOLEY: That's from 19 Ms. Miller. 20 MR. NIX: That will be Defendant's 21 23. 22 (Defendant's Exhibit 23 was marked 23 for identification.)</p>
Page 318	Page 320
<p>1 Tracy Miller at Maynard Cooper to Jennifer 2 that Jennifer just gave me. It just says 3 we've been employed to investigate your 4 complaint. 5 MR. NIX: I don't know what that 6 is. 7 MS. COOLEY: That goes with that. 8 That's the fax and fax 9 confirmation where she signed 10 a release for records. 11 (Defendant's Exhibit 22 was marked 12 for identification.) 13 MS. COOLEY: Chip, for the sake of 14 time, I'm assuming we're going 15 to get copies of these. That 16 way we don't have to continue 17 to make copies of little 18 things. 19 MR. NIX: That's a good idea. 20 Q. Defendant's Exhibit 22 is a fax cover sheet 21 from Chattahoochee Valley Community College 22 to Jennifer Cooley. It says: Ms. Wright 23 has verbally consented for the release of</p>	<p>1 Q. Have you seen that correspondence? 2 A. No. 3 Q. Who is it signed by? The signature blank 4 states the name of the person who wrote it. 5 A. Tracy Miller. 6 Q. What is the date on the letter? 7 A. January 11, 2007. 8 Q. Have you seen the substance of this letter, 9 whether it was in a form sent by 10 Dr. Blackwell or in a form sent by Tracy 11 Miller? 12 A. No, I don't recall. 13 MR. NIX: But you did get this, 14 Jennifer; isn't that right? 15 MS. COOLEY: It looks very 16 familiar and I do remember 17 having a discussion with Tracy 18 Miller about mediation, and I 19 believe that Peter was there. 20 But it was very brief and 21 we had a difficult time 22 getting in touch with 23 Ms. Miller. I do remember</p>

July 13, 2007

Deposition of Lindy Wright

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<p>1 that, but she was, I believe, 2 on the case a very short time. 3 MR. NIX: Okay. I'm going to mark 4 it then as Defendant's Exhibit 5 23 as the substance of the 6 correspondence sent out. 7 Q. Ms. Wright, with regard to the 8 correspondence that I've shown you that is 9 marked beginning with Defendant's Exhibit 10 15, it's correct, isn't it, that you have 11 seen, read, and you even wrote some of this 12 correspondence; isn't that right? Do you 13 want to take a look at all of it? 14 A. That's correct. 15 Q. It's fair to say, isn't it, that 16 Chattahoochee Valley Community College has 17 been responsive to the correspondence, the 18 requests that have been made regarding this 19 complaint by you? 20 A. Repeat that. 21 Q. Isn't it fair to say that Chattahoochee 22 Valley Community College has been 23 responsive to these requests that you've</p>	<p>1 272 in the spring of 2006, she helped you 2 by advising you right away to file an 3 appeal, correct? 4 A. Correct. 5 Q. And she helped you by pulling nursing 6 treatises and pointing out various 7 arguments you could make with regard to why 8 your answers were right or could be 9 interpreted as being correct, correct? 10 A. Correct. 11 Q. She helped you by calling -- I'm trying to 12 remember the name of the person -- I think 13 it was Debbie Gruber and talking to 14 Ms. Gruber about an aspect of the clinical 15 program. I'm trying to remember exactly 16 what that was. Do you recall? 17 A. It was the care plans that -- 18 Q. Right, that were lost. 19 A. That were lost. 20 Q. That's right. So that Sandy Gunnels 21 actually called -- got in touch with 22 Ms. Gruber to talk with her about that, 23 correct?</p>
Page 322	Page 324
<p>1 made and complaints that you've made prior 2 to the filing of this lawsuit? 3 A. That they did? 4 Q. Yeah, that they have been responsive. 5 A. Oh, yes. 6 Q. Okay. I want to go back to Ms. Gunnels. 7 Okay? The books that you had that showed 8 answers to some of these questions that 9 Lynn Harris posed on exams and maybe the 10 final exam, isn't it correct that 11 Ms. Gunnels helped you find those books? 12 A. The books that had what, now? 13 Q. What you claim are the correct answers to 14 the tests that Lynn Harris gave you. 15 A. It's nursing books that we used in class 16 and that her institution has for those 17 students. 18 Q. When you say her institution ... 19 A. Sandy Gunnels. 20 Q. So when you spoke with Sandy Gunnels about 21 the various problems you were having, like 22 the failure of these two courses in the 23 fall of 2005 and the failure of the course</p>	<p>1 A. Correct. 2 Q. So what else did Ms. Gunnels do for you? 3 What other steps did she take? 4 A. That's all. 5 Q. That's it? 6 A. That's all. I mean, she advised me on how 7 to do the grade appeal. She tutored me 8 when I asked her for help. That's it. 9 Q. Are you related to Sandy Gunnels? 10 A. No. 11 Q. Are any of your relatives good friends with 12 her? 13 A. No. 14 Q. Did you first meet her around May or June 15 of 2005 when you started the nursing 16 program at CVCC? 17 A. No. I first met her in LPN school at CVCC. 18 Q. Was she an instructor at that time in the 19 LPN school? 20 A. Yes. 21 Q. So how long had you known her when you 22 started the RN program at CVCC? 23 A. Since the start date of the LPN program at</p>

Page 325	Page 327
<p>1 CVCC. I think that was in 2001 maybe.</p> <p>2 Q. And had you been as good friends with her</p> <p>3 since that time as you were in the fall of</p> <p>4 2005, apparently, and 2006 -- spring of</p> <p>5 2006?</p> <p>6 A. Was I as good friends with her in LPN</p> <p>7 school?</p> <p>8 Q. Right.</p> <p>9 A. Is that what you're asking?</p> <p>10 Q. From 2001 on.</p> <p>11 A. No. Our relationship has grown over the</p> <p>12 years.</p> <p>13 Q. When did your relationship begin to</p> <p>14 blossom, get better, get stronger, become</p> <p>15 closer?</p> <p>16 A. I don't know any specific dates.</p> <p>17 Q. Did it get better after Ms. Gunnels left</p> <p>18 the school?</p> <p>19 A. No.</p> <p>20 Q. So it was real good, apparently, before she</p> <p>21 left the school.</p> <p>22 A. It's been good throughout.</p> <p>23 Q. Isn't it correct that Sandy Gunnels left</p>	<p>1 concluded at 5:40 p.m. EDT.)</p> <p>2</p> <p>3 *****</p> <p>4 FURTHER DEPONENT SAITH NOT</p> <p>5 *****</p> <p>6</p> <p>7 REPORTER'S CERTIFICATE</p> <p>8 STATE OF ALABAMA:</p> <p>9 MONTGOMERY COUNTY:</p> <p>10 I, Lisa J. Nix, Registered Professional</p> <p>11 Reporter and Commissioner for the State of Alabama</p> <p>12 at Large, do hereby certify that I reported the</p> <p>13 deposition of:</p> <p>14 LINDY WRIGHT</p> <p>15 who was first duly sworn by me to speak the truth,</p> <p>16 the whole truth and nothing but the truth, in the</p> <p>17 matter of:</p> <p>18 LINDY G. WRIGHT,</p> <p>19 Plaintiff,</p> <p>20 Vs.</p> <p>21 CHATTAHOOCHEE VALLEY COMMUNITY</p> <p>22 COLLEGE (CVCC),</p> <p>23 Et al.,</p>
Page 326	Page 328
<p>1 CVCC of her own accord?</p> <p>2 A. I don't know.</p> <p>3 Q. She's never told you that she was fired,</p> <p>4 has she?</p> <p>5 A. No.</p> <p>6 MR. NIX: Can we take a quick</p> <p>7 break and discuss what's</p> <p>8 cooking real quick? I'm</p> <p>9 getting close to being</p> <p>10 finished.</p> <p>11 (Brief recess was taken.)</p> <p>12 Q. What's your mother's maiden name?</p> <p>13 A. Walker.</p> <p>14 Q. Walker?</p> <p>15 A. Uh-huh. (Positive response.)</p> <p>16 Q. Is one of your grandmothers a Webster?</p> <p>17 A. That's my husband's grandmother.</p> <p>18 Q. Okay. Mary Webster?</p> <p>19 A. Mary Webster.</p> <p>20 MR. NIX: That's all I've got.</p> <p>21 Thank you.</p> <p>22 I offer those exhibits.</p> <p>23 (The Deposition of Lindy Wright was</p>	<p>1 Defendants.</p> <p>2 In The U.S. District Court</p> <p>3 For the Middle District of Alabama</p> <p>4 Eastern Division</p> <p>5 Case Number 3:06-CV-1087-WKW</p> <p>6 on Friday, July 13, 2007.</p> <p>7 The foregoing 327 computer printed pages</p> <p>8 contain a true and correct transcript of the</p> <p>9 examination of said witness by counsel for the</p> <p>10 parties set out herein. The reading and signing of</p> <p>11 same is hereby waived.</p> <p>12 I further certify that I am neither of kin</p> <p>13 nor of counsel to the parties to said cause nor in</p> <p>14 any manner interested in the results thereof.</p> <p>15 This 22nd day of July 2007.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>Lisa J. Nix, Registered Professional Reporter and Commissioner for the State of Alabama at Large</p>

**PLAINTIFF'S  
EXHIBIT**

2

# **DEPOSITION OF DIXIE PETERSON**

**August 16, 2007**

**Pages 1 through 153**

## **PREPARED BY:**

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August 16, 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

LINDY G. WRIGHT,  
Plaintiff,

Vs.

CIVIL ACTION NO.  
3:06-CV-1087-WKW

CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE (CVCC),  
et al.,  
Defendants.

\*\*\*\*\*

DEPOSITION OF DIXIE PETERSON, taken  
pursuant to stipulation and agreement before Lisa  
J. Green, Registered Professional Reporter and  
Commissioner for the State of Alabama at Large, in  
the Law Offices of Smith & Smith, P.C., 1503 Broad  
Street, Phenix City, Alabama on Thursday, August  
16, 2007, commencing at approximately 9:25 a.m.

\*\*\*\*\*

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APPEARANCES

FOR THE PLAINTIFF:

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Montgomery, AL 36106

ALSO PRESENT:

Dr. Laurel Blackwell

Page 4

STIPULATION

It is hereby stipulated and agreed by and  
between counsel representing the parties that the  
deposition of DIXIE PETERSON is taken pursuant to  
the Federal Rules of Civil Procedure and that said  
deposition may be taken before Lisa J. Green,  
Registered Professional Reporter and Commissioner  
for the State of Alabama at Large, without the  
formality of a commission, that objections to  
questions other than objections as to the form of  
the question need not be made at this time but may  
be reserved for a ruling at such time as the said  
deposition may be offered in evidence or used for  
any other purpose by either party provided for by  
the Statute.

It is further stipulated and agreed by and  
between counsel representing the parties in this  
case that the filing of said deposition is hereby  
waived and may be introduced at the trial of this  
case or used in any other manner by either party  
hereto provided for by the Statute regardless of  
the waiving of the filing of the same.

It is further stipulated and agreed by and

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1 between the parties hereto and the witness that the  
2 signature of the witness to this deposition is  
3 hereby not waived.

4 \*\*\*\*\*

7 DIXIE PETERSON

8 The witness, after having first been duly  
9 sworn to speak the truth, the whole truth and  
10 nothing but the truth testified as follows:

11 EXAMINATION

12 BY MS. COOLEY:

13 Q. Would you please state your name.

14 A. Yes. My name is Dixie Peterson.

15 Q. And is that your full name, Ms. Peterson?

16 A. Do you want middle and --

17 Q. Yes, ma'am, please.

18 A. Dixie Lee Webster Peterson.

19 Q. And, Ms. Peterson, where is an address or a  
20 contact address for you?

21 A. My physical address is 88 Lee Road 581 in  
22 Smiths, Alabama.

23 Q. And what is your mailing address?

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1 A. Mailing address is P.O. Box 3247. It's  
2 Phenix City, and of course it has a  
3 different Zip Code. 36868.

4 Q. What is a contact phone number for you?

5 A. Probably my cell phone, and that would be  
6 706-577-0003.

7 Q. And a work address for you?

8 A. 2602 College Drive, of course Phenix City,  
9 36869.

10 Q. And a work phone number for you?

11 A. 334-214-4817.

12 Q. And is your current employer CVCC?

13 A. It is.

14 Q. How long have you been employed at CVCC?

15 A. I've been employed at Chattahoochee Valley  
16 for 23 years.

17 Q. In what capacity are you currently  
18 employed?

19 A. I'm currently employed the same that I have  
20 been since 1984, and that's as nursing  
21 faculty.

22 Q. Are you the director or coordinator of  
23 nursing faculty?

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1 A. No. That assignment has changed, but my  
2 status has not changed.

3 Q. Okay.

4 A. It was called division chair, and that was  
5 an assignment. It was not a position, and  
6 so that -- my assignment has changed from  
7 that to something else, but my status has  
8 not changed, and that's nurse faculty. I  
9 was hired as a nurse faculty member, and  
10 that's what I am.

11 Q. So nursing faculty since 1984. You were  
12 previously assigned the position or an  
13 assignment of division chair; is that  
14 correct?

15 A. Correct.

16 Q. How long were you with the assignment of  
17 division chair?

18 A. 20 years.

19 Q. And when did that assignment end and your  
20 new assignment begin?

21 A. August the 3rd, 2007, of course. Actually,  
22 it was probably the 6th, August the 6th,  
23 2007.

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1 Q. So do you have a new assignment?

2 A. I do.

3 Q. And what is your new assignment?

4 A. My new assignment is to work with Title 3  
5 grant funding and develop new health  
6 science programs for the college.

7 Q. When you were with the assignment of  
8 division chair, what were some of the  
9 responsibilities or roles that you  
10 undertook with that assignment?

11 A. They're pretty vast in nature. There's  
12 actually a -- I'm not sure if it's called a  
13 job description. It's more of a list of  
14 duties that all division chairs of the  
15 academic departments get, and they're  
16 pretty much the same, things like assist in  
17 scheduling classes; assist in hiring  
18 faculty because, of course, at faculty  
19 level, we don't have the authority to hire  
20 or fire, only the president can do that; to  
21 coordinate textbooks along with faculty who  
22 are teaching those courses.

23 For nursing division chair, there were

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1 additional duties because nursing has  
2 external controls, specifically the Alabama  
3 Board of Nursing and the National League  
4 for Nursing. So while the math and science  
5 department may not have -- well, they  
6 don't. They don't have an accrediting body  
7 that oversees their program.

8 So while there are common duties for  
9 all chairpersons, there are some additional  
10 ones for the person serving as nursing  
11 chair.

12 Q. One of them you mentioned -- I want to make  
13 sure I have a clear understanding. That  
14 would be some type of either a liaison  
15 status or communication status with the  
16 Alabama Board of Nursing for accreditation  
17 purposes; is that correct?

18 A. No, that's not correct. The Alabama Board  
19 of Nursing is the immediate control of our  
20 program. They oversee our progress.

21 And the National League for Nursing  
22 Accrediting Commission is the accrediting  
23 body that puts an extra stamp of approval

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1 position as the division chair?

2 A. Only on an informal basis once.

3 They have a series of actions that they  
4 take, and those are published on the  
5 Alabama Board of Nursing Web site based  
6 upon if your program has had any difficulty  
7 and the length of time and how your program  
8 has responded.

9 So there's not an automatic anything --  
10 disciplinary action I suppose is what I'm  
11 trying to allude to that occurs because you  
12 didn't do well one time. So, no, there's  
13 not ever been a formal visit.

14 Q. But you do recall them coming? You said  
15 one time there was a visit?

16 A. There was a person that I invited to come  
17 and speak with us.

18 Q. So that was at your invitation?

19 A. It was at my invitation. Her name was  
20 Barbara Johns. She was education  
21 consultant for the Board of Nursing.

22 Q. Did Ms. Johns come and speak to the  
23 students or to the faculty?

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1 on the program.

2 Q. So in the capacity when you were the  
3 division chair, did you interact on a  
4 regular basis with the Alabama Board of  
5 Nursing?

6 A. Absolutely.

7 Q. And did you do so for things such as --  
8 I'm just making some assumptions here.

9 A. Okay.

10 Q. -- for things such as board pass rates for  
11 the students?

12 A. It's not necessarily a personal interaction  
13 with them unless they need to come and see  
14 your program.

15 Q. Okay.

16 A. But, yes, I did have a very good working  
17 relationship with them, but it was not like  
18 we called each other every week.

19 But, yes, they would be the body or the  
20 entity that would come if there was a  
21 problem.

22 Q. Did they, in fact, ever come to visit CVCC  
23 during the time that you were in the

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1 A. She came to speak to me, and I believe  
2 Dr. Blackwell and Dean Lowe came in. We  
3 were in one of the faculty offices.

4 Q. Do you recall -- and if you don't recall  
5 the exact date, that's fine. Do you recall  
6 about the time that that interaction  
7 occurred between Dr. Blackwell, Dean Lowe,  
8 yourself and Barbara Johns?

9 A. I do not.

10 Q. Do you recall about the year that that  
11 would have occurred?

12 A. It would probably be in the fall of 2005  
13 when we had faculty members resign, but I  
14 cannot state for sure. Of course, I  
15 notified her as a courtesy and then, of  
16 course, enlisted her assistance.

17 Q. And she came at your invitation; is that  
18 correct?

19 A. She did.

20 Q. Was there ever a time aside from that that  
21 you're aware that the Alabama Board of  
22 Nursing came to visit the campus or to  
23 speak with any of the individuals that you

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just mentioned -- Dr. Blackwell, Dean Lowe, yourself -- regarding the nursing program?

A. Years ago, there used to be a rule where the board visited all programs every four or five years, so it was a consistent thing to all programs. And we -- Each program would prepare a self-study for the board members to review. And in that capacity, they have been there, as they did with all programs.

But I don't recall exactly how many years ago, but years ago, that changed and they don't do that anymore. They only visit programs officially if there are problems.

Q. So previously, it was an automatic thing that they came on a regular basis --

A. Yes.

Q. -- every four to five years?

A. Yes.

Q. And since -- at some point it stopped, and now they come only if there's been a problem?

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A. Exactly.

Q. You've been with the college for approximately 23 years. 20 years you were assigned division chair. The other three years, what was your assignment?

A. Nursing faculty member. I basically started teaching the day I was hired.

Q. How long were you actually in the classroom as well as being the division chair?

A. I have pretty much been in the classroom since the time that I was hired, maybe not on a full-time basis. It's varied back and forth from full-time, of course, for those first three years to maybe half time to maybe quarter time -- when I say quarter, of course, 25 percent -- or maybe a particular semester none at all, depending on what was going on in the department.

But I have always been in the classroom pretty much at some point in some capacity to make contact with students.

Q. What education do you have to qualify you in your role?

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A. I hold a master's degree in nursing, and that is primarily the requirement for the -- that's set forth in the rules by the Alabama Board of Nursing to teach nursing.

Q. When did you obtain your master's degree in nursing?

A. 1986.

Q. And where did you obtain that degree from?

A. Troy-Montgomery.

Q. Do you have any additional certification or degrees related to nursing that you have obtained?

A. I have postgraduate course work in nursing, so I have many more graduate hours in nursing than what is required for a master's degree.

Q. And where have you obtained those additional postgraduate hours?

A. At Troy in Phenix City.

Q. What experience do you have to qualify you to enter into the classroom when you are in the classroom?

A. Well, previous to my hire in 1984, I worked

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as a staff nurse for three -- between three and four years, so in different capacities for the hospital. I worked at St. Vincent's Hospital in Birmingham. That was my first job as a nurse. And then I've worked at what was then Cobb Memorial Hospital in Phenix City in medical-surgical nursing and cardiac intensive care.

Q. Did you have any teaching experience prior to coming to CVCC?

A. I had taught for CVCC clinically for almost a year before I came to them full-time, and I also did intensive care clinicals for Troy-Phenix City baccalaureate program.

Q. Just to make sure I understand what the clinicals are, that is the hands-on experience that nursing students get in some type of a clinical type environment; is that correct?

A. Exactly, yes, interacting with patients.

Q. So you would have been a teacher or instructor for that as well?

A. Yes -- well, yes, when I first started.



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1 For the first three years, I did clinicals  
2 and the classroom, yes.  
3 Q. You stated previously that some of the  
4 duties that you had when you were division  
5 chair was to assist in the hiring process;  
6 is that correct?  
7 A. Yes.  
8 Q. When you say assist in the hiring process,  
9 can you elaborate a little more as far as  
10 hiring the potential nursing faculty  
11 members?  
12 A. Sure. It's fairly complex to explain, but  
13 the Alabama College System used to have --  
14 and we pretty much still follow it at the  
15 college -- certain hiring procedures where  
16 jobs have to be posted for a certain length  
17 of time. They have to be advertised in  
18 certain places, and then there are closing  
19 dates, those kinds of things, that  
20 certainly are not handled at the faculty  
21 level.  
22 But in my position as chair, what I did  
23 was potentially find people who were

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1 interested, people that I knew or people  
2 who knew people who would be interested and  
3 encourage them to apply for a job and hope  
4 that they would follow through with the  
5 process in order to get to the point of an  
6 interview.  
7 I did not have or do not have the power  
8 to hire except for clinical faculty because  
9 those are on a semester-by-semester basis.  
10 Q. When you would seek out these qualified and  
11 possibly interested individuals to apply  
12 for jobs, would you also be a part of the  
13 interviewing process for those individuals?  
14 A. On some occasions I was, and some occasions  
15 I was not.  
16 Q. Would it be safe to say that during the  
17 course of you having been a division chair  
18 at CVCC, that you would more likely than  
19 not be familiar with all the instructors  
20 who would have been under, I guess, your  
21 supervision or control?  
22 A. Yes. That would be true.  
23 Q. However, you may or may not have

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1 interviewed each and every one of them?  
2 A. Correct.  
3 Q. And if you don't know the answer to this,  
4 that's fine. You can just say. Do you by  
5 any chance know what the retention rate for  
6 the nursing instructors is within the  
7 nursing program at CVCC?  
8 A. At CVCC?  
9 Q. Yes, ma'am.  
10 A. I do not know a number. No, I'm sorry.  
11 Q. Would it be safe to say that all of the  
12 nursing instructors in the CVCC program  
13 would report directly to you even if you  
14 had not been the individual who had hired  
15 them?  
16 A. Yes. That is correct.  
17 Q. Would you do some form of an evaluation on  
18 them periodically to determine if they were  
19 up to par in your standards?  
20 A. Yes.  
21 Q. And how often or how frequently would you  
22 conduct those evaluations of those  
23 employees?

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1 A. It would depend on how long they stayed.  
2 Obviously, if -- it's very realistic to  
3 have a clinical instructor who would only  
4 be there one semester, depending on the  
5 content that was being taught. If it's a  
6 full-time faculty member, then they should  
7 be evaluated every year, once annually.  
8 Q. Let's say hypothetically that someone did  
9 not evaluate well at the end of that year  
10 process or that year-long evaluation. What  
11 would be the typical or, I guess,  
12 traditional way that you would deal with  
13 that?  
14 A. What would happen would be that I would  
15 have been communicating with my supervisor,  
16 who would be the dean of instruction, and  
17 potentially the president, but absolutely  
18 the dean of instruction. And if I was  
19 inclined to recommend that that person not  
20 be renewed, then it would simply be that.  
21 It would be a recommendation. But that  
22 doesn't mean that it would be seconded and  
23 carried out ultimately by the president.



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- 1 Q. What would be the way typically that you  
2 would communicate your thoughts or opinions  
3 about that faculty member to your  
4 supervisor or to the individuals who would  
5 be in charge of the firing process, if that  
6 was even the appropriate step to take?
- 7 A. Right. Just like I said, basically inform  
8 the dean of anything and -- because I would  
9 not want to recommend someone for  
10 non-renewal and the president had not known  
11 anything about it.
- 12 Q. Would you do that typically through e-mail  
13 fashion or memo or phone call?
- 14 A. It could be either through conversation,  
15 kind of daily or weekly updates, an FYI  
16 kind of thing.
- 17 Q. Okay.
- 18 A. I can't recall any e-mails or memos, but  
19 that doesn't mean that it could not have  
20 occurred.
- 21 Q. All right. During the time of 2005-2006,  
22 who would have been the dean of instruction  
23 that you would have reported to?

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- 1 A. James Lowe.
- 2 Q. Would you also be responsible for training  
3 the faculty members in the nursing program?
- 4 A. Training in what sense?
- 5 Q. For instance, if someone had come straight  
6 from the hospital environment and had not  
7 taught previously but they certainly had  
8 the credentials to support the knowledge  
9 base, would you or someone assist them in  
10 learning how to implement that knowledge to  
11 teach the students?
- 12 A. Yes, me or someone else, yes.
- 13 Q. If not you, typically who would that  
14 someone else be?
- 15 A. If there were another experienced  
16 instructor who was teaching that that  
17 person could pair up with, get -- you know,  
18 have discussions with, follow, assist,  
19 those kinds of things.
- 20 Q. As far as the preparation of a syllabus or  
21 course curriculum, how is that typically  
22 done for your nursing instructors?
- 23 A. Each nursing instructor does his or her own

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- 1 syllabus except since the time that the  
2 State of Alabama, the two-year college  
3 system has implemented a standardized  
4 curriculum. Those syllabi are already done  
5 now, and they're disseminated by the  
6 State.
- 7 If a course is taught in one college,  
8 the syllabus is the same there as it is at  
9 any other college with the exception of  
10 each instructor has his or her own autonomy  
11 to select textbooks. So textbooks may not  
12 be the same, but the content of the  
13 syllabus is the same.
- 14 Q. When did that change occur? When did it go  
15 from having some autonomy to now it sounds  
16 like it's much more regulated as far as the  
17 syllabus and --
- 18 A. Right. Yes. I believe the mandatory  
19 implementation date was fall '06.
- 20 Q. Did CVCC meet the requirements beginning in  
21 fall of 2006?
- 22 A. Yes.
- 23 Q. Did they do it prior to 2006 as far as

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- 1 meeting the requirements?
- 2 A. When you say meet the requirements --
- 3 Q. And I apologize if that wasn't clear.
- 4 As far as the syllabus being  
5 pre-created or following a set curriculum,  
6 you said that CVCC began doing that in the  
7 fall of 2006.
- 8 A. Right.
- 9 Q. Did they do it prior to 2006? Were they  
10 early to meet the deadline?
- 11 A. No, because we didn't want to start a  
12 standardized curriculum in the middle of a  
13 program of students who had already been  
14 admitted, because we had associate degree  
15 students who were admitted in June of '06,  
16 and we didn't change curriculums -- or June  
17 of '05.
- 18 Q. You stated that you were not aware of the  
19 retention rate of nursing instructors. Are  
20 you aware of the rate of nursing students  
21 to instructors, the ratio from 2005-2006?
- 22 A. Classroom or clinical?
- 23 Q. Both, if you know them.

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1 A. Each -- We don't have a set number of  
 2 students that we admitted to each class.  
 3 When the standardized curriculum began, the  
 4 admissions process also changed. So prior  
 5 to the standardized curriculum, students  
 6 were admitted based on a test. They had to  
 7 take an entrance test, and now they do not  
 8 have to take an entrance test.  
 9 Q. Can I stop you right there and you tell me  
 10 about that admissions test?  
 11 A. Sure.  
 12 Q. You stated that prior to. Prior to when  
 13 that they took an admissions test?  
 14 A. Prior to the class that was admitted in  
 15 fall of '06 -- summer of '06.  
 16 Q. So any student in the CVCC nursing program  
 17 prior to being admitted into the program  
 18 prior to 2006, there was some type of a  
 19 mandatory admissions test; is that correct?  
 20 A. That is correct.  
 21 Q. And was that a lengthy admissions test?  
 22 A. It was an admissions test and a validation  
 23 test. It was a standardized exam from the

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1 National League for Nursing. It was called  
 2 the Nurse Mobility Profile Exam.  
 3 Q. What would be the, I guess, qualifications  
 4 for someone to sit for that?  
 5 A. They had to be a licensed practical nurse  
 6 because it was a test of nursing  
 7 knowledge. So a student who had not -- did  
 8 not have a credential could not take the  
 9 test. They would not have any knowledge.  
 10 Q. So one must have already obtained the  
 11 degree of LPN in order to sit for the  
 12 Nursing Mobility entrance exam --  
 13 A. Yes.  
 14 Q. -- prior to 2006?  
 15 A. Yes.  
 16 Q. How was that test scored?  
 17 A. That test was scored in New York. And  
 18 then, of course, it was sent to us. Copies  
 19 of the scores were sent to us, and then we  
 20 sent them to students.  
 21 And it was reported in three areas:  
 22 There was a foundation score, which is like  
 23 fundamentals of nursing; and there was a

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1 maternal score, which is like obstetrics;  
 2 and then there was a pediatrics or nursing  
 3 of children score. So there were three  
 4 areas.  
 5 Q. And then from all three of these scores, is  
 6 that how the faculty or whomever made the  
 7 decision whether or not to admit a  
 8 particular student?  
 9 A. Yes, the student -- we had criteria. Those  
 10 criteria were set by a committee of nursing  
 11 and non-nursing faculty on campus.  
 12 MR. NIX: I'm sorry. Are you  
 13 still talking about before  
 14 2006?  
 15 MS. COOLEY: Yes.  
 16 MR. NIX: I'm sorry.  
 17 Q. The test isn't administered now, so that's  
 18 not --  
 19 A. Correct.  
 20 Q. Okay. Okay.  
 21 A. The scores were tabulated. When I say  
 22 tabulated, that's probably not a good  
 23 word. They were ranked, because they were

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1 already scored when they came to us. They  
 2 were ranked on a spreadsheet by a nursing  
 3 secretary, and then a committee of -- a  
 4 nursing admissions committee that was  
 5 comprised of faculty from nursing and  
 6 outside of nursing would meet and review  
 7 those scores, and then students would be  
 8 selected.  
 9 Q. Was it strictly on the basis of the score  
 10 and how they ranked was how they were  
 11 admitted into the program?  
 12 A. Yes, it was strictly on score.  
 13 Q. Was foundations, maternal and pediatrics,  
 14 were they equally weighted or --  
 15 A. They were not. Foundations was weighted  
 16 more because a student -- a nurse has to  
 17 know more of that knowledge than they do  
 18 the specialized knowledge.  
 19 Q. And then as far as the other two, maternal  
 20 and pediatrics, were those two equally  
 21 weighted?  
 22 A. Yes.  
 23 Q. If, in fact, some -- would there be a

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<p>1 chance where someone could have been 2 admitted into the program on a conditional 3 basis? 4 A. All of the letters that I sent once we got 5 the scores would say you have conditional 6 acceptance. And the reason for that is 7 because the students had to -- after they 8 got that letter, they had to schedule 9 check-offs. They had to come to the campus 10 and actually do some hands-on 11 demonstrations -- that was the second part 12 of that admissions process -- because 13 they're already nurses, and the college by 14 virtue of that test conferred credit upon 15 each student for taking that test. 16 So the test not only served as an 17 admission tool, but it was a validation 18 tool. It validated their knowledge, and 19 the college gave them credit for taking 20 that test. Students received college 21 credit, and it was stamped on their 22 transcript. 23 Q. Can you give an example of what would occur</p>	<p>1 Program? 2 A. No, we do not do nor have we done 3 interviews. It's all been objective data. 4 Q. Would it be safe to say that you would at 5 least have a working knowledge of any of 6 the potential candidates coming through the 7 program? 8 A. It was certainly possible for me to know 9 some of the students because of having 10 worked with them or seen them or them 11 asking me about information. But I did 12 not, I don't think, do any of the 13 check-offs. 14 Q. Do you recall in 2005 how many -- roughly 15 how many individuals would have applied and 16 then how many roughly would have been 17 accepted into the Nursing Mobility Program 18 at CVCC? 19 MR. NIX: Don't guess. 20 A. I'm sorry. I do not. 21 Q. That's fine if you don't know. 22 Would it be safe to say that not all 23 that applied got into the program?</p>
Page 30	Page 32
<p>1 during a check-off test? 2 A. Yes. Students would come and do -- 3 demonstrate very basic skills that they 4 should know. Perhaps it was demonstration 5 of sterile technique. It might be in the 6 form of catheterization on a mannequin. It 7 might be in the form of a sterile dressing 8 on the mannequin. They might have been 9 asked to do CPR on an infant. They might 10 have been asked to do injections in a 11 simulated environment. Basic skills that 12 they already had mastered at the LPN level. 13 Q. So if I'm understanding correctly, at that 14 point in time prior to 2006, summer of 15 2006, it was the admission test that was 16 the Nurse Mobility Program test? 17 A. Yes. 18 Q. As well as the check-off test; is that 19 correct? 20 A. Yes. 21 Q. Was there anything else that would make a 22 decision whether or not the student would 23 be admitted into the Nursing Mobility</p>	<p>1 A. Yes. 2 Q. Are you familiar with an individual named 3 Lynn Harris? 4 A. Yes. 5 Q. How are you familiar with Ms. Harris? 6 A. Well, she currently works at Chattahoochee 7 Valley Community College. I knew her -- 8 just who she was before her coming to 9 CVCC. I knew her through a friend of mine 10 who was her supervisor and then, of course, 11 you know, her employment now. 12 Q. Do you know approximately how long she's 13 been employed at CVCC? 14 A. Yes. Since September of 2005. 15 Q. Do you know what courses Ms. Harris would 16 have taught? 17 A. I do. In the fall of 2005, she taught 18 Nursing 252. In the spring of 2006, she 19 taught Nursing 272 and Nursing 200. And in 20 the summer of 2006, she taught Nursing 272 21 and it would have been, I believe, then 22 Nursing 201. 23 Q. When are you saying that 272 was 201?</p>

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1 A. It never was.  
 2 Q. Okay. Is 272 as of today's date still a  
 3 valid course at CVCC?  
 4 A. It is not.  
 5 Q. Has it been replaced with a different  
 6 course?  
 7 A. Not exactly, because in the old curriculum,  
 8 courses were categorized according to  
 9 content: Adult health, obstetrics,  
 10 pediatrics. And now the courses are  
 11 integrated, so they're not separate courses  
 12 for each area.  
 13 Q. And did that begin in fall of 2006?  
 14 A. Yes. Actually, I guess it was summer  
 15 2006. I'm sorry.  
 16 Q. Were you a part of the decision-making  
 17 process to hire Lynn Harris at CVCC?  
 18 A. I'm the one who asked her to consider  
 19 coming there because I heard that she was  
 20 not teaching anywhere.  
 21 Q. So you asked her to interview; is that  
 22 correct?  
 23 A. Yes, and I -- I'm sorry, Ms. Cooley. I

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1 asked Dean Lowe to call her, too, and I  
 2 believe he made a phone call to ask her if  
 3 she was interested.  
 4 Q. Were you a part of her interview process at  
 5 CVCC or was that someone else?  
 6 A. She didn't really have an interview process  
 7 because when she first started, she was  
 8 part-time. She was adjunct. She became  
 9 full-time -- I believe it was maybe  
 10 December '05. For the first part of the  
 11 semester, she was there part-time while she  
 12 transitioned from her other job.  
 13 Q. So if someone is hired in the nursing  
 14 program part-time, they don't go through an  
 15 interview process; is that correct?  
 16 A. That is correct.  
 17 Q. And if they progressed from part-time to  
 18 full-time, no interview process there  
 19 either?  
 20 A. I don't speak for Dr. Blackwell, but she  
 21 has the power to hire people on a temporary  
 22 basis without going through the  
 23 full-fledged interview process for them.

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1 And after they remain a certain period of  
 2 time, then they are required to go through  
 3 an interview process.  
 4 Q. To your knowledge, was Lynn Harris, did she  
 5 ever go through an interview process?  
 6 A. She did.  
 7 Q. Were you a part of that interview process  
 8 when she did go through it?  
 9 A. I was.  
 10 Q. Do you know when that interview actually  
 11 took place for Lynn Harris?  
 12 A. I do not remember. I remember sitting in  
 13 the room and watching her teaching  
 14 demonstration, but I don't remember exactly  
 15 when it was.  
 16 Q. You may not know exactly when it was, but  
 17 do you know if it was in the year 2007?  
 18 A. No, I believe it was in 2006.  
 19 Q. Are you familiar with an individual named  
 20 Sandra Gunnels?  
 21 A. I am.  
 22 Q. And how are you familiar with Ms. Gunnels?  
 23 A. Ms. Gunnels worked with me for a number of

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1 years as an adjunct instructor in the  
 2 program and then for a semester as a  
 3 full-time instructor.  
 4 Q. Ms. Gunnels is not currently at CVCC; is  
 5 that correct?  
 6 A. That is correct.  
 7 Q. Do you know what classes Ms. Gunnels taught  
 8 while she was at CVCC?  
 9 A. I can't name them semester by semester, but  
 10 she was -- she taught obstetrics and she  
 11 taught pediatrics because her experience  
 12 and her master's degree are in those  
 13 areas. She also taught some pharmacology  
 14 to students. That was an area that she was  
 15 very interested in and liked. Most of the  
 16 time it was obstetrics or pediatrics  
 17 because those were her areas.  
 18 Q. When you say those were her areas, does  
 19 that mean that was an area that she seemed  
 20 to excel in as a nurse or as a teacher?  
 21 A. She had a master's degree specifically in  
 22 those areas, in maternal-infant nursing or  
 23 maternal-child nursing.



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- 1 Q. Let me backtrack since you said that real  
2 quick. Did Ms. Harris have a master's  
3 degree?  
4 A. Yes.  
5 Q. Do you know what her master's degree was  
6 in?  
7 A. Family nursing.  
8 Q. Thank you. And Ms. Gunnels' was in  
9 obstetrics; is that correct?  
10 A. Maternal-infant or either maternal-child.  
11 Not very many of those exist, and so it was  
12 either maternal-infant or maternal-child.  
13 Q. Do you know how long Ms. Gunnels was  
14 employed at CVCC in the nursing program?  
15 MR. NIX: Whether it was part-time  
16 or full-time or --  
17 MS. COOLEY: Yes.  
18 Q. Just the length of her employment, if you  
19 know.  
20 A. I believe about five years.  
21 Q. Do you know during the course of five years  
22 how long she would have been employed  
23 full-time in the nursing program?

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- 1 A. I believe it was one semester, maybe two at  
2 the most.  
3 Q. You referred to her as adjunct. Would she  
4 also be an individual that would have  
5 taught clinicals?  
6 A. Yes, definitely. I'm sorry.  
7 Q. Would she have been an individual that you  
8 would have done the direct hiring for --  
9 A. Yes.  
10 Q. -- because she was a clinical person?  
11 A. Yes. She walked into my office one day --  
12 and I'd never met her -- to come and  
13 introduce herself, yes.  
14 Q. To your knowledge, did Ms. Gunnels never go  
15 through an interview process?  
16 A. I believe she did not.  
17 Q. And that would be because she was one of  
18 the clinical direct hires; is that correct?  
19 A. Correct.  
20 Q. Are you familiar with an individual named  
21 Ms. Bellamy?  
22 A. Yes.  
23 Q. I'm sorry. Ms. Brenda Bellamy.

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- 1 A. Yes.  
2 Q. And how are you familiar with Ms. Brenda  
3 Bellamy?  
4 A. Ms. Bellamy was a full-time nursing faculty  
5 member several years ago. I do not know  
6 the year. And she resigned to move to  
7 Philadelphia, and she lived in  
8 Philadelphia, I believe, two to three  
9 years.  
10 And she called me when she was coming  
11 back to town and asked me if we had any  
12 openings. And I encouraged her to come and  
13 apply, and I asked Dr. Blackwell to  
14 interview her.  
15 Q. Were you a part of that interview process  
16 with Ms. Brenda Bellamy?  
17 A. Yes.  
18 Q. Was there anyone else involved in the  
19 interview process besides yourself and  
20 Dr. Blackwell?  
21 A. I believe Dean Lowe was there.  
22 Q. Do you know the length of Ms. Brenda  
23 Bellamy's employment at CVCC?

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- 1 A. I believe the first time she was there, she  
2 was there maybe a year and a half. The  
3 second time she was there, it was less than  
4 a year.  
5 Q. Did Ms. Brenda Bellamy have a master's  
6 degree in nursing?  
7 A. She did.  
8 Q. And do you know what that was in?  
9 A. Adult health.  
10 Q. Do you know what classes Ms. Brenda Bellamy  
11 taught?  
12 A. I don't remember the classes she taught the  
13 first semester that she was hired the  
14 second time which would have been spring of  
15 '05. In summer of '05, she taught the  
16 Nursing 251 class and I believe she did  
17 some clinicals. She was sick that  
18 semester. She was out for the first few  
19 weeks because she had pneumonia, and then  
20 she was gone August the 31st.  
21 Q. To your knowledge, did she ever teach a  
22 class 252? To your knowledge.  
23 A. I believe she may have started it in the



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1 fall semester of '05, but since she  
2 resigned August 31st, it -- she would not  
3 have had opportunity to teach very much.  
4 Q. Are you familiar with an individual named  
5 Tawyna Cash?  
6 A. I know Tawyna, yes. I met her when she  
7 came to assist us in the fall of 2005. I  
8 did not know her prior to that.  
9 Q. When you say she came to assist us in the  
10 fall of 2005, can you elaborate on what you  
11 mean by that?  
12 A. Sure. When Ms. Gunnels and Ms. Bellamy  
13 resigned on August 31st, of course, that  
14 left us two vacancies, one for adult health  
15 and then one for the obstetrical course,  
16 and so we were -- began to work immediately  
17 to try to find replacements.  
18 And Barbara Johns, the person to whom I  
19 alluded earlier, called her. And Dr. Laura  
20 Steadman in Montgomery, who was over all  
21 the health programs at that time, assisted  
22 us. And then, of course, we had local  
23 contacts.

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1 And Dr. Steadman is the person who  
2 found Ms. Cash at Southern Union. She was  
3 a full-time instructor at Southern Union  
4 Community College in Opelika.  
5 Q. Was Ms. Cash employed on a temporary basis  
6 at CVCC then; is that correct?  
7 A. Yes, temporary or part-time. I'm not sure  
8 how her contract reads.  
9 Q. Was she there to replace a full-time  
10 instructor, Ms. Gunnels, or --  
11 A. Yes.  
12 Q. Was she hired temporary part-time or  
13 temporary full-time? Ms. Cash.  
14 A. I believe it was temporary part-time, but I  
15 do not know. I've not seen Ms. Cash's  
16 contract. I know that she maintained some  
17 of her duties at Southern Union. How many  
18 of those, I don't know. And then she was  
19 contracted to come over and assist us as  
20 well, so she did not leave her duties at  
21 Southern Union.  
22 Q. So Ms. Gunnels had been full-time and left  
23 in August of 2005. Had Ms. Bellamy been

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1 full-time and left in August of 2005 as  
2 well?  
3 A. Yes. They both resigned on the same day.  
4 Q. So that was two full-time instructor  
5 positions that were left vacant; is that  
6 correct?  
7 A. That's correct.  
8 Q. So Ms. Tawyna Cash filled in at least  
9 part-time. Were there any other  
10 individuals who were hired or who assisted  
11 in that role, the roles of the two vacant  
12 instructor positions?  
13 A. Well, yes. They were part-time, but they  
14 taught all of the class. The class only  
15 met once a week, so Ms. Cash taught all of  
16 the class.  
17 The students didn't have anyone to  
18 teach except her once she came, and the  
19 same for Ms. Harris. Ms. Cash -- I can't  
20 remember if she did any clinicals as well  
21 as class, and I can't remember if  
22 Ms. Harris did. But they -- They both were  
23 there every week for the class once they

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1 started.  
2 Q. So Ms. Cash and Ms. Harris were the two  
3 individuals who basically came in to try to  
4 fill the void, is that correct, for  
5 Ms. Gunnels and Ms. Bellamy when they left  
6 in August of 2005?  
7 A. That is correct.  
8 Q. Was there any type of a time delay from the  
9 time that Ms. Gunnels and Ms. Bellamy  
10 entered their resignations and the time  
11 Ms. Cash and Ms. Harris began working for  
12 CVCC?  
13 A. Yes, there was a brief delay. I believe  
14 classes -- the first class for the RN  
15 students met on August 24th. And I do not  
16 know how many times Ms. Bellamy or  
17 Ms. Gunnels may have talked to them about  
18 clinically-related things, but the official  
19 first day of class for fall semester was  
20 August 22nd, '05.  
21 Our classes for RNs have typically  
22 always been on Wednesday, so the first  
23 class would have been August 24th. And

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1 Ms. Harris came on September the 14th, I  
2 believe, and Ms. Cash came on September  
3 21st. Of course, Ms. Bellamy and  
4 Ms. Gunnels were there for the first two  
5 weeks of the semester.

6 Q. From August 31st or 30th, 2005, until  
7 September 14th, what type of instruction,  
8 if any, was given to the Nursing Mobility  
9 students at CVCC?

10 A. Okay. For the adult health course, the  
11 course that was vacated by Ms. Bellamy's  
12 resignation, there was a person in the  
13 class by the name of John Christopher who  
14 taught some respiratory concepts. I  
15 believe he was there for a class and a  
16 half.

17 And then there was a mechanism by  
18 distance learning that Dr. Steadman had  
19 arranged through Wallace Community College  
20 in Hanceville to deliver obstetrical  
21 content to the students.

22 Q. Do you know how many classes that was?

23 A. I believe that was just one because -- I'm

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1 not sure. I know one for sure. I don't  
2 know if it was two because the day that  
3 Ms. Gunnels and Ms. Bellamy resigned, there  
4 was a guest speaker there by the name of  
5 Pat Fuggatt from The Medical Center.

6 Q. And Ms. Fuggatt would have taught which  
7 class, the health or the obstetrics class?

8 A. Obstetrics.

9 Q. If Ms. Cash came September 21st, that would  
10 have been approximately four class  
11 sessions, is that correct, until -- the  
12 time that she would have entered into the  
13 classroom from the time that the other  
14 instructors would have left?

15 MR. NIX: Are you asking the time  
16 interval between the time --

17 MS. COOLEY: The time that the  
18 other instructors left, which  
19 was August 30th, 2005, until  
20 Ms. Cash came September 21st.

21 MR. NIX: Doesn't that speak for  
22 itself, though, those days?  
23 What are you asking?

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1 MS. COOLEY: How many class  
2 sessions would have occurred  
3 during that time.

4 Q. You said you believed that they occurred on  
5 Wednesdays for the RNs.

6 A. Right.

7 Q. Would that have been roughly approximately  
8 four class sessions?

9 A. No, because Ms. Gunnels, there --  
10 Ms. Gunnels didn't resign until the second  
11 one.

12 Q. Okay.

13 A. So the classes began August 24th, so that  
14 was one week. The next week is the week  
15 she resigned, so that was two of them.

16 Q. Okay.

17 A. And then one of them was distance learning,  
18 that's three. So there should have only  
19 been one at the most two before Ms. Cash  
20 arrived.

21 Q. So Pat Fuggatt --

22 A. Well, actually one, because Pat Fuggatt was  
23 there.

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1 Q. Pat Fuggatt was there, though, the day  
2 Ms. Gunnels resigned; is that correct?

3 A. Yes. Im sorry.

4 Q. Then that would have been Pat Fuggatt and  
5 then a distance learning class?

6 A. Right, and I don't remember exactly what  
7 week that was.

8 Q. But we know, then, that Ms. Cash would have  
9 arrived on September 21st and began  
10 teaching that day --

11 A. Yes.

12 Q. -- the day of employment?

13 A. Yes.

14 Q. I think previously there had been a  
15 calendar that had been made of 2005, but I  
16 will get to that later.

17 As far as the adult health class, you  
18 stated that John Christopher taught -- was  
19 that a respiratory class; is that correct?

20 A. Yes, he taught respiratory principles. He  
21 was contracted as an adjunct and he was  
22 also a critical care nurse, and I asked him  
23 to serve in the role of a guest speaker to

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- 1 do those respiratory concepts for the  
2 students.
- 3 Q. Did Mr. Christopher -- let me backtrack.  
4 To your knowledge, does Mr. Christopher  
5 have a master's degree in nursing?
- 6 A. I do not know what he holds now, but we  
7 don't have certain qualifications for guest  
8 speakers.
- 9 Q. Do guest speakers create exams or tests for  
10 the students in the program typically?
- 11 A. In his instance he did, because we had him  
12 contracted to do adjunct work and clinical  
13 work as well.
- 14 Q. Your adjunct professors, is that also one  
15 of your requirements, that they have  
16 master's degrees in the nursing program?
- 17 A. If they were there for a significant length  
18 of time. We would not allow a person  
19 without a master's degree to teach a  
20 course, an entire course. We couldn't  
21 because that is required by the Board of  
22 Nursing.
- 23 Q. To your knowledge, did Mr. Christopher just

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- 1 create one exam; is that correct?
- 2 A. That is correct.
- 3 Q. To your knowledge, is that a typical  
4 procedure, that guest speakers create exams  
5 for nursing students?
- 6 A. Well, he was really more than a guest  
7 speaker. He was an adjunct, and he shared  
8 those concepts with me. So I knew the  
9 kinds of concepts that he was testing, and  
10 they were -- they were appropriate.
- 11 Q. Did you review the exam that John  
12 Christopher --
- 13 A. Not question by question, but we talked  
14 about the content on the exam.
- 15 Q. Since that time, have you seen the exam  
16 that he administered to the students?
- 17 A. I've not looked at it. I've seen it in  
18 some of the materials.
- 19 Q. To your knowledge, did Pat Fuggatt  
20 administer any type of exam to the students  
21 when she spoke to them or taught them?
- 22 A. Not to my knowledge.
- 23 Q. As far as the distance learning, whatever

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- 1 it was that the students learned through  
2 distance learning, was there any type of  
3 follow-up exam or quiz or questionnaire  
4 that was administered to the students?
- 5 A. I don't know.
- 6 Q. Nursing 271, what actually used to be the  
7 name of that course? You had said before  
8 it was categorized by subject matter; is  
9 that correct?
- 10 A. Right. Maternal-infant nursing or either  
11 maternal-child, one or the other. It was  
12 mother-baby or mother-child. Mother-baby,  
13 maternal-infant, because we had a separate  
14 pediatrics course.
- 15 Q. What is the name that I should refer to it  
16 in this deposition? Mother-baby or  
17 maternal-infant nursing?
- 18 A. Maternal-infant. I'm sorry.
- 19 Q. Is that subject matter content, the  
20 maternal-baby, is that still a part of the  
21 curriculum today at CVCC Nursing Mobility  
22 Program?
- 23 A. Yes, it's integrated into one of the

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- 1 courses.
- 2 Q. So it's called something different;  
3 however, it has the same basic subject  
4 material. Is that correct?
- 5 A. In different amounts. Obviously, when we  
6 had a course completely devoted to maternal  
7 nursing, then the student took that the  
8 entire semester. Now since it's  
9 integrated, the State has it based on  
10 modules. So there may be a module within a  
11 course that's devoted to that content.
- 12 Q. But it is safe to say that the CVCC Nursing  
13 Mobility students are at least being  
14 exposed to maternal-infant nursing type  
15 curriculum or subject matter material  
16 during the course of their instruction?
- 17 A. Yes, that's a required content component by  
18 the board of nursing.
- 19 Q. Do you recall any type of conversation or  
20 meeting that you would have had on August  
21 the 26th, 2005, with Dr. Blackwell, Dean  
22 Lowe, an individual named Mrs. Gruber,  
23 Mrs. Gunnels and yourself to discuss the

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1 fact there were only three instructors in  
2 the nursing program for approximately 90 to  
3 100 incoming nursing students?

4 MR. NIX: I'm sorry. Could you go  
5 through the names of the  
6 people again?

7 MS. COOLEY: Sure. I'll be glad  
8 to.

9 Q. The individuals are Dr. Blackwell, Dean  
10 Lowe --

11 I'm saying Gruber, but I may be  
12 pronouncing it incorrectly.

13 A. That's correct.

14 Q. -- Mrs. Gruber, Mrs. Gunnels and yourself  
15 to discuss the fact there were currently  
16 only three nursing instructors for  
17 approximately 90 to 100 incoming nursing  
18 students.

19 A. I do not recall a specific conversation.  
20 I'm not saying it didn't occur. I just  
21 don't ...

22 Q. Sure. Do you recall any type of a meeting  
23 or brainstorming session with any of these

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1 2005.

2 A. Are you asking me for the subsequent  
3 semester or just for in general, future --

4 Q. Yes, ma'am, for any type of strategy,  
5 future planning.

6 A. Again, I don't recall anything specific,  
7 but it would certainly be appropriate  
8 because we have consistently talked about  
9 wanting to add nursing faculty in order to  
10 grow the programs.

11 Q. Is there, in fact, to your knowledge any  
12 type of a formalized or informal method to  
13 achieving that, to achieving more  
14 consistent hiring practices for the nursing  
15 program?

16 MR. NIX: Let me object to the  
17 term more consistent.

18 Q. To consistently maintain in hiring nursing  
19 instructors for the nursing program at  
20 CVCC.

21 A. I'm not sure that I really understand, and  
22 I want to answer it as appropriately as I  
23 know how.

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1 individuals at any point in August of 2005  
2 to discuss strategies to try to address the  
3 shortage of instructors in the nursing  
4 program?

5 MR. NIX: I object to the form and  
6 the use of the term shortage  
7 of instructors.

8 Q. To discuss the fact there were  
9 approximately three nursing instructors for  
10 90 to 100 nursing students.

11 A. I do not remember a specific date or a  
12 specific conversation, but to discuss  
13 staffing with the dean and ultimately the  
14 president would certainly be an appropriate  
15 thing to do.

16 Q. Do you recall any type of a formal or an  
17 informal strategy to try to add additional  
18 instructors to the nursing program during  
19 that time for 2005, August 2005?

20 MR. NIX: You're talking about any  
21 meeting now, right?

22 MS. COOLEY: Yeah.

23 Q. Actually, I'm only interested in August of

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1 The process has pretty much always been  
2 that if we -- if I secured someone who was  
3 interested or someone was recommended to  
4 me, that I would inform the dean and/or  
5 inform the president and ask them to  
6 interview those people.

7 If there was an immediate need, I would  
8 ask them to do it right away and ask the  
9 president to consider making a temporary  
10 appointment until such time that interviews  
11 could take place.

12 Q. Previously when we talked about some of the  
13 processes for hiring new faculty members --  
14 and I want to make sure I've summarized  
15 what you said previously, was that  
16 positions would be posted typically for  
17 some length of time?

18 A. Correct.

19 Q. You didn't specify a length of time. You  
20 also said that typically, the position  
21 would be advertised in certain places.

22 A. Correct.

23 Q. But you didn't say where those certain



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1 places would be. And that also as a part  
 2 of your job duties and responsibilities  
 3 when you were the division chair that you  
 4 would also seek out qualified and  
 5 interested individuals to at least apply  
 6 for those positions, not necessarily be  
 7 hired for them; is that correct?  
 8 A. That's correct.  
 9 Q. And that you may or may not be involved in  
 10 the interview process for those individuals  
 11 and that -- but you would be involved in  
 12 the evaluation process for individuals once  
 13 they were hired.  
 14 A. On most occasions, I'd be involved in the  
 15 interview process.  
 16 Q. Okay. So you have been involved in most of  
 17 the interview process then?  
 18 A. Yes.  
 19 Q. So more often than not, you have been  
 20 involved in the interviewing of new  
 21 potential hires for the nursing program at  
 22 CVCC?  
 23 A. Yes.

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1 Q. In your new position, will you be involved  
 2 in the potential hiring of individuals for  
 3 the nursing program?  
 4 A. I do not think so.  
 5 Q. Okay.  
 6 A. The position is evolving, as we spoke, and  
 7 so Dr. Blackwell has asked me to -- she's  
 8 told me some of the things that she wants  
 9 and has asked me to work on a job  
 10 description basically. We know some of the  
 11 things that have to be done, and so I do  
 12 not think I will be involved.  
 13 I will be associated with health  
 14 science because I'll be developing programs  
 15 that are of health science nature, but that  
 16 would be the role now of the current  
 17 division chair.  
 18 Q. Okay. Has that individual already  
 19 transitioned into that position, then, the  
 20 individual who's taken over that position?  
 21 A. Yes.  
 22 Q. Would you mind telling me who that person  
 23 is again? I'm sorry.

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1 A. That's Lynn Harris.  
 2 Q. And if you don't know this, you can say  
 3 that you don't know. Back on August 31st  
 4 of 2005, were you aware of Ms. Sandra  
 5 Gunnels apparently being prevented or  
 6 stopped from going into the classroom to  
 7 teach at CVCC?  
 8 A. I heard after that occurred that that was  
 9 her perception, that she was being stopped.  
 10 Q. But you were not present during any type of  
 11 an interaction between her and Dean Lowe;  
 12 is that correct?  
 13 A. That's correct.  
 14 Q. Did you provide a copy of the vote of no  
 15 confidence for Dr. Blackwell to  
 16 Mrs. Gunnels?  
 17 A. I don't know what you mean by a vote of no  
 18 confidence, a copy of it. I never had a  
 19 copy of a vote.  
 20 Q. Okay. Did you provide any documentation to  
 21 Ms. Gunnels referencing the vote of no  
 22 confidence that Dr. Blackwell had received?  
 23 A. I don't remember anything being on paper

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1 other than survey responses, but it's my  
 2 understanding that all faculty had those or  
 3 most had access. So I don't -- I don't  
 4 remember anything that would be called a  
 5 vote.  
 6 Q. But there's not anything as far as any  
 7 documentation, whether it was a newspaper  
 8 article or any type of summarization of  
 9 senate notes? You would not have provided  
 10 anything like that to Ms. Gunnels; is that  
 11 correct?  
 12 A. No, I didn't do -- Senate minutes were kept  
 13 by the senate secretary, and I did not  
 14 serve as the senate secretary.  
 15 Q. Were you a member at all of that faculty  
 16 senate?  
 17 A. I was.  
 18 Q. Were you a part of that voting process?  
 19 A. I was.  
 20 Q. The voting process, was that tallied by an  
 21 individual or was that something that was  
 22 done -- how was that done?  
 23 A. It's been a while. To the best of my



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1 recollection, I believe that the president  
2 of the faculty senate and one other faculty  
3 senate member may have tallied the votes.

4 Q. When I say this, I'm referring to the  
5 faculty senate. Is it a secret group of  
6 individuals who meet?

7 A. No, it's not a secret group of people.  
8 They are elected by -- faculty members on  
9 campus elect the faculty senate members.

10 Q. So you were, in fact, elected by a group of  
11 your peers, is that correct, to serve on  
12 the faculty senate?

13 A. Yes, or either I was the person  
14 representing the health science division  
15 because I was the only person who had  
16 continued service status or tenure.

17 Q. At what point did you gain tenure at CVCC?

18 A. After completing three years of service and  
19 being offered a fourth contract.

20 Q. Going back to the faculty senate. During  
21 the time that the vote, I guess, began for  
22 whether or not to vote confidence or no  
23 confidence in Dr. Blackwell, was there any

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1 that they are voted in and all  
2 that kind of stuff -- or  
3 selected.

4 That doesn't change the  
5 fact that a proceeding of the  
6 type you're discussing with  
7 discussion, with written  
8 forms -- of course, I think  
9 they filled those out later.

10 But the discussions that  
11 they had, I think those are  
12 privileged discussions. They  
13 were serving as a body --  
14 official body for the faculty  
15 itself. They were addressing  
16 a sensitive topic, one that  
17 had a lot of -- a lot of  
18 emotion probably attached to  
19 it.

20 They were addressing  
21 something that if it does not  
22 remain confidential in terms  
23 of the things that they

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1 discussion or any type of presentation,  
2 anything that occurred in the faculty  
3 senate?

4 MR. NIX: Let me object to the  
5 question in that it calls for  
6 information that I believe is  
7 confidential, proprietary and  
8 privileged in terms of what  
9 may have gone on or may not  
10 have gone on in a faculty  
11 senate meeting.

12 Q. I'd like you to still answer, because one  
13 of the questions I'd posed to you was, was  
14 it a group of secret individuals. They  
15 were elected. They were elected by a group  
16 of your peers or you were appointed.

17 A. Right.

18 Q. Certainly listen to the advice of your  
19 counsel, but I am asking you to answer the  
20 question.

21 MR. NIX: Let me clarify what I'm  
22 saying, Jennifer. All of what  
23 you said is correct, the way

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1 discussed and if it does not  
2 remain confidential in terms  
3 of the things that were said,  
4 if it does not remain  
5 confidential in terms of the  
6 positions of the different  
7 people in that group and who  
8 said what, that it would  
9 completely deter people from  
10 participating and it would put  
11 a cold blanket on the whole  
12 process. It would create a  
13 situation where they could not  
14 have a meeting.

15 I think it fits perfectly  
16 within the confidentiality  
17 proprietary situation, and I  
18 think it's privileged as  
19 well. I think it's privileged  
20 because of the nature of the  
21 meeting, just like many other  
22 executive committee meetings  
23 are privileged.

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1 Q. Was your vote published at the end? Was  
 2 there not something put in the Ledger  
 3 Inquirer whether or not the vote was to  
 4 vote yes or no regarding -- I mean the vote  
 5 of confidence, no confidence regarding  
 6 Dr. Blackwell?  
 7 A. I don't remember anything being in the  
 8 Ledger Inquirer.  
 9 Q. Was there anything to your knowledge in any  
 10 type of local paper within Phenix City as  
 11 far as whether or not there was a vote of  
 12 confidence or no confidence regarding  
 13 Dr. Blackwell?  
 14 A. It seems to me there was something in some  
 15 newspaper, but I do not remember which  
 16 newspaper.  
 17 Q. Does CVCC have any type of internal student  
 18 newsletter or some type of a memo that they  
 19 send out to the students and faculty  
 20 members?  
 21 A. There is no student internal memo. There's  
 22 a student government association, but what  
 23 they do, I do not know.

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1 Q. So in your role as a faculty member, there  
 2 is no interaction between a faculty  
 3 member -- a faculty member not receiving  
 4 printouts or anything of that nature from  
 5 the student government association,  
 6 newsletter, memo, anything of that nature;  
 7 is that correct?  
 8 A. I don't recall ever getting anything from  
 9 student government. We get announcements  
 10 about what they do through Monday Morning  
 11 Message which is the campus-wide  
 12 mechanism. It's campus-wide that comes  
 13 from the president's office.  
 14 Q. Was there anything on a Monday Morning  
 15 Message to your knowledge that ever  
 16 referred to Dr. Blackwell receiving a vote  
 17 of no confidence?  
 18 A. I do not recall that.  
 19 Q. Do you recall in the summer of 2005 having  
 20 a conversation with Ms. Brenda Bellamy,  
 21 Ms. Sandra Gunnels regarding my client,  
 22 Ms. Lindy Wright, as far as her ability as  
 23 a nursing student?

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1 A. I don't recall a conversation. I've heard  
 2 that --  
 3 MR. NIX: You don't need to say  
 4 anything other than what you  
 5 do recall about that  
 6 question. Just answer the  
 7 question.  
 8 A. I don't recall the specifics of any  
 9 conversations.  
 10 Q. Do you recall ever referring to Ms. Lindy  
 11 Wright as a weak nursing student at any  
 12 point?  
 13 A. I remember being told by Ms. Gruber who was  
 14 substituting for Ms. Bellamy for the first  
 15 few weeks of the semester that there were  
 16 some students who were borderline, that it  
 17 looked as though unless they really did  
 18 well throughout the rest of the semester  
 19 they would not pass. I remember, as I  
 20 always do, asking Ms. Bellamy and  
 21 Ms. Gunnels did it look like anybody was  
 22 going to fail. Beyond that, I do not  
 23 remember anything specifically

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1 Q. So are you saying that you recall asking  
 2 Ms. Gruber or Ms. Bellamy --  
 3 A. I'm saying Ms. Gruber informed me after her  
 4 interactions with the class in  
 5 Ms. Bellamy's absence that Lindy and a  
 6 couple of others were borderline at that  
 7 point, which is --  
 8 MR. NIX: That's all you need to  
 9 say. I mean, just answer her  
 10 question.  
 11 Q. Would you describe borderline.  
 12 A. I'm not sure I can quantify it exactly.  
 13 Not doing well, performing -- performing  
 14 less than satisfactory on assignments. I  
 15 can't give you a number.  
 16 Q. When you say not performing well on  
 17 assignments, would that include any type of  
 18 tests or exams in addition to clinicals?  
 19 A. It would include tests and exams and/or  
 20 clinicals. Some people do very well in  
 21 class and may not perform well in  
 22 clinicals, and vice versa. It just  
 23 depends.

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1 Q. Do you recall making a comment to  
 2 Ms. Bellamy and/or Ms. Gunnels during the  
 3 summer of 2005 that Ms. Wright would not  
 4 pass her boards, that your prediction was  
 5 that she would not pass her boards, her  
 6 nursing board exams?  
 7 A. I do not remember.  
 8 Q. Do you recall making a comment to  
 9 Ms. Bellamy and/or to Ms. Gunnels in the  
 10 summer of 2005 that Ms. Wright needed to  
 11 fail?  
 12 A. I do not remember that at all. I  
 13 frequently ask instructors who is  
 14 borderline, who is not passing. And I have  
 15 made statements in the past in general that  
 16 students should not pass if they do not  
 17 have the mastery of the information.  
 18 That's my job -- or that was my job. I'm  
 19 sorry.  
 20 Q. Do you recall specifically -- because you  
 21 were talking about students in general. Do  
 22 you recall specifically having that  
 23 conversation regarding my client with any

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1 A. Yes.  
 2 Q. In what capacity was Ms. Gruber employed?  
 3 A. Ms. Gruber was a full-time instructor.  
 4 Q. Do you know the length of employment that  
 5 Ms. Gruber -- what was her length of  
 6 employment at CVCC?  
 7 A. I don't remember exactly. Maybe close to  
 8 three years. Dr. Blackwell had given  
 9 her -- at the time she was hired, the Board  
 10 of Nursing did not mandate that you had to  
 11 have a master's degree, and so  
 12 Dr. Blackwell gave her a period of time to  
 13 complete the master's degree.  
 14 And then when the new rule was  
 15 implemented that classroom instructors had  
 16 to have the master's degree and she had not  
 17 completed it, I believe that's when  
 18 Dr. Blackwell talked with her about, you  
 19 know, her completion possibilities and  
 20 those kinds of things.  
 21 Q. You referred to the new rule. When did the  
 22 new rule start?  
 23 A. I can't remember exactly, but there -- the

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1 of these instructors that I mentioned:  
 2 Ms. Bellamy, Ms. Gunnels, Ms. Harris, any  
 3 of the individuals who would have  
 4 instructed Ms. Wright?  
 5 A. I do not remember anything specific I said  
 6 about Lindy Wright.  
 7 Q. Do you recall any of those instructors  
 8 seeking you out and saying specifically  
 9 that they were concerned about Ms. Wright  
 10 and her performance in the classroom and/or  
 11 clinicals?  
 12 A. Ms. Gruber, Deborah Gruber did.  
 13 Q. And she substituted for Ms. Bellamy?  
 14 A. Yes.  
 15 Q. Do you know how long she substituted for  
 16 Ms. Bellamy?  
 17 A. About three weeks I believe. Ms. Bellamy  
 18 was in the hospital and/or at home sick  
 19 recuperating from pneumonia.  
 20 Q. I have not asked about Ms. Gruber  
 21 previously. Can you answer some questions  
 22 for me about her as far as was she, in  
 23 fact, an instructor at CVCC?

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1 board -- whenever they enact a new rule,  
 2 they always give a period of time for that  
 3 rule to be implemented. It's not  
 4 immediate.  
 5 Q. You stated that Ms. Gruber was employed at  
 6 CVCC as a full-time instructor for  
 7 approximately three years. Do you know  
 8 what years she was employed?  
 9 A. I do not remember the year that she was  
 10 employed.  
 11 Q. Do you know when she left CVCC?  
 12 A. She left at the end of fall 2005.  
 13 Q. Do you know what classes she would have  
 14 taught, she being Ms. Gruber?  
 15 A. She was predominantly the licensed  
 16 practical nursing program. That's where  
 17 she did most of her teaching.  
 18 Q. That's LPN; is that correct?  
 19 A. Yes. I'm sorry.  
 20 Q. So when she filled in for Ms. Bellamy, did  
 21 she fill in for adult health classes? Is  
 22 that what she was filling in for?  
 23 A. Yes.

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1 Q. For, give or take, three weeks?  
 2 A. Two or three. It would have been two or  
 3 three classes. I can't remember exactly.  
 4 MR. NIX: Can we take a break? Do  
 5 you mind?  
 6 MS. COOLEY: Of course. No  
 7 problem.  
 8 (Lunch recess was taken.)  
 9 Q. Just to remind you that you're still under  
 10 oath from the previous --  
 11 A. Right.  
 12 (Brief interruption.)  
 13 Q. I want to verify, too, that I'm saying this  
 14 individual's name right. Is it Grubear or  
 15 Gruber?  
 16 A. Gruber.  
 17 Q. Like the fish almost except make it a B  
 18 instead of a P, Gruber?  
 19 A. Exactly.  
 20 Q. Going back to Ms. Gruber. She was a  
 21 full-time instructor for approximately  
 22 three years at CVCC; is that correct?  
 23 A. About that amount of time, yes.

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1 Q. You did not hire her. She was hired  
 2 elsewhere; is that correct?  
 3 A. No, I believe that -- when you say  
 4 elsewhere, do you mean somewhere other than  
 5 Chattahoochee Valley?  
 6 Q. No. I apologize for that. By someone else  
 7 other than you.  
 8 A. I believe she came temporary at first,  
 9 which is very common. The reason that  
 10 people can be hired temporary is because of  
 11 an immediate need. But then after they  
 12 stay for a while, then there has to be a  
 13 search. I believe that's how she was  
 14 hired. I'm not sure.  
 15 Q. Did you also state that you believe that  
 16 she had been employed at CVCC for  
 17 approximately three years?  
 18 A. Thereabout. Two, three, something like  
 19 that. I don't remember the exact number of  
 20 years.  
 21 Q. During the time that she was employed at  
 22 CVCC, did she report to you?  
 23 A. Yes.

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1 Q. Was she the individual who did not have a  
 2 master's degree --  
 3 A. Yes.  
 4 Q. -- who was told to get a master's degree to  
 5 comply with the new regulations?  
 6 A. Yes. I believe Dr. Blackwell put that  
 7 language in her contract.  
 8 Q. When did Ms. Gruber leave? Do you know  
 9 when she actually left CVCC?  
 10 A. It was towards the end of fall semester  
 11 2005.  
 12 Q. Do you know why she left?  
 13 A. She resigned. That's ...  
 14 Q. Do you know why Mrs. Gruber resigned?  
 15 A. I do not. I believe that it was because  
 16 she had not completed her master's degree  
 17 requirement within the time frame set forth  
 18 in the language, but I don't know how  
 19 that -- again, I believe the language was  
 20 in the contract --  
 21 MR. NIX: Don't guess. If you  
 22 don't know --  
 23 THE WITNESS: Okay.

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1 Q. But you do believe that she resigned and  
 2 not that she was terminated?  
 3 A. She resigned.  
 4 Q. She resigned. So it was a voluntary  
 5 resignation to your knowledge?  
 6 A. To my knowledge, all I know is that she  
 7 resigned.  
 8 Q. What classes was Mrs. Gruber teaching at  
 9 the time that she left around fall of 2005?  
 10 A. LPN classes, but I don't know if she  
 11 taught -- I can't remember what was being  
 12 taught that semester. I believe it was  
 13 fundamentals. The students would have been  
 14 new because the LPN students are admitted  
 15 in the fall semester. LPN students enter  
 16 in the fall semester.  
 17 Q. Did Mrs. Gruber ever -- was she ever  
 18 involved with or created anything called a  
 19 care plan, C-A-R-E?  
 20 A. Every clinical instructor typically is  
 21 involved with care plans unless they have a  
 22 similar assignment like a health assessment  
 23 packet or --



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1 MR. NIX: She asked, though, if  
2 she created a care plan. Do  
3 they create --  
4 A. No, they don't create them. They grade  
5 them.  
6 Q. Can you tell me what a care plan is? Is it  
7 an acronym or is it -- does it stand for  
8 something?  
9 A. It's not an acronym. A care plan is a  
10 document that a student nurse or a nurse or  
11 a faculty member could develop a plan on  
12 how to care for a particular patient based  
13 on the constraints of what a nurse can and  
14 cannot do.  
15 Q. Are these hypothetical situations or live  
16 patients?  
17 A. Both.  
18 Q. To your knowledge -- or do you know if, in  
19 fact, Mrs. Gruber would have had care plans  
20 during the last quarter or semester that  
21 she taught at CVCC?  
22 A. I believe that Ms. Gruber did some  
23 clinicals that last semester. I believe

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1 that she would have been involved with care  
2 plans if she did clinicals.  
3 Q. So if, in fact, someone had a care plan --  
4 someone being either a nursing student or a  
5 nurse -- that would be because they either  
6 had a live patient or, I guess, a  
7 hypothetical situation; is that correct?  
8 MR. NIX: Jennifer, are you  
9 talking about in the school?  
10 MS. COOLEY: Yes, in CVCC.  
11 A. Students, yes, do hypothetical care plans  
12 as they're learning how to develop them.  
13 And, yes, they do them as they are  
14 preparing to care for the patients for whom  
15 they are assigned.  
16 Q. And then are those care plans given to  
17 someone for evaluation or for correction?  
18 A. How quickly -- Each instructor is  
19 different, and how quickly they return them  
20 I cannot say. But, yes, typically students  
21 get those care plans back and see their  
22 grades.  
23 Q. And then if, in fact, it is a live person

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1 that a care plan is being developed for, is  
2 that one typically given to someone a  
3 little bit faster than a hypothetical  
4 situation? Is that done in an expedited  
5 fashion if it's a real person?  
6 A. It's very hard to say because some care  
7 plans are due before you care for the  
8 patient if you're a student nurse. Some  
9 are due after you have cared for the  
10 patient.  
11 Q. Would it be safe to say each situation is  
12 different and unique?  
13 A. It absolutely is.  
14 Q. Do you have any knowledge whether or not  
15 Ms. Gruber would have lost some student  
16 care plans during the last semester that  
17 she was teaching at CVCC?  
18 A. I do not know about Ms. Gruber. I have  
19 heard --  
20 MR. NIX: Don't -- well, that's  
21 all right. Go ahead. I'm  
22 sorry. I shouldn't stop you  
23 there.

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1 A. -- obviously, from reading documents  
2 related to this case, in the actual  
3 complaint. I have asked faculty,  
4 specifically Ms. Harris. I have not asked  
5 Ms. Gruber because I haven't spoken with  
6 her.  
7 MR. NIX: That's in preparation  
8 for this case. I mean, we did  
9 that yesterday, so --  
10 MS. COOLEY: Sure.  
11 MR. NIX: -- don't talk about  
12 that.  
13 Q. As far as when Ms. Gruber was employed at  
14 CVCC and she would have reported directly  
15 to you, was there ever a time where she or  
16 one of her students would have come to you  
17 and said she lost my care plans?  
18 A. I believe --  
19 MR. NIX: During school you mean?  
20 MS. COOLEY: During school.  
21 MR. NIX: Before the case and all  
22 that?  
23 MS. COOLEY: Absolutely.



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- 1 Q. During the time that Ms. Gruber was  
2 employed at CVCC -- I want to make sure  
3 we're setting up the right time frame.  
4 During the time that she was employed  
5 at CVCC, did either Ms. Gruber come to you  
6 or a student come to you or another faculty  
7 member come to you and say, Mrs. Gruber  
8 somehow lost the care plans for these  
9 students?  
10 A. I'm pretty sure the first time I heard  
11 about it is when Lindy mentioned something  
12 to me.  
13 Q. Was that after the case was filed, after  
14 the lawsuit was filed?  
15 A. No, I believe it was during an appeal, but  
16 I can't remember -- a grade appeal. I  
17 can't remember exactly.  
18 Q. An internal grade appeal within CVCC?  
19 A. Yes.  
20 Q. So would that be during the time frame that  
21 Lindy would have still been a student at  
22 CVCC?  
23 A. Yes.

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- 1 Q. You said that you believed that Lindy told  
2 you about that. Do you recall any  
3 conversation that you and Lindy may have  
4 had --  
5 A. I can't say that she specifically told me.  
6 I think she did or I heard that she said  
7 some care plans were lost. I can't  
8 remember which one it was.  
9 Q. But to your knowledge, the only person that  
10 even mentioned that to you at that point in  
11 time would have been Lindy and not anyone  
12 else; is that correct?  
13 A. That is correct.  
14 Q. Did you follow up on or do any research to  
15 determine whether or not that was a rumor  
16 or a fact?  
17 A. I did.  
18 Q. And what was your finding?  
19 A. I talked to Ms. Harris at length, and she  
20 assured me that no care plans were lost.  
21 She assured me that she had given grades  
22 for -- or recorded grades for care plans  
23 that instructors had given her and that she

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- 1 believed that the only thing that  
2 potentially was lost was an assignment that  
3 students had been given in the summer by  
4 Mrs. Gunnels. What that assignment was I  
5 do not know.  
6 Q. And what I'm trying to figure out is, why  
7 would Ms. Harris have been recording  
8 Mrs. Gruber's grades?  
9 A. Because the lead instructor always does  
10 that.  
11 Q. Okay.  
12 A. And he or she is in charge of the course.  
13 Q. So Ms. Harris was in charge of the course.  
14 Ms. Gruber reported to Ms. Harris then?  
15 A. Or would have submitted them some way to  
16 Ms. Harris, yes.  
17 Q. So Ms. Harris would have been the lead  
18 instructor for that particular -- that  
19 clinical course; is that correct?  
20 A. The lead instructor is in charge of the  
21 class in clinicals because grades are not  
22 given separately. One grade is given for  
23 the course. And in some courses, care

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- 1 plans were part of grades and other courses  
2 they were not.  
3 So clinical instructors do not give  
4 grades in a course. They just record  
5 grades for assignments in their clinical  
6 areas.  
7 Q. Do they also give some type of evaluation  
8 or recommendation on that student's ability  
9 to perform in the clinical setting to the  
10 head instructor or lead instructor on a  
11 course?  
12 A. Yes. They submit those clinical evaluation  
13 plans to the lead instructor.  
14 Q. So to your knowledge, the only care plans  
15 that would have potentially been lost, that  
16 was only brought to your attention through  
17 Lindy Wright. And then you followed up on  
18 that with Ms. Harris, and Ms. Harris  
19 assured you that care plans were not lost;  
20 in fact, grades had been recorded. That if  
21 anything was missing, it was an assignment  
22 that had occurred that summer with the  
23 students. Is that correct?

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- 1 A. That she felt that that was the only thing  
2 that anybody could be talking about, that I  
3 could be talking -- asking her about, that  
4 she had heard from students that  
5 Ms. Gunnels had given an assignment in the  
6 summer and had asked students to have it  
7 ready in the fall. But I've asked her  
8 repeatedly if care plans have been lost,  
9 and she said no.
- 10 Q. And did she mention or elaborate what that  
11 potential lost assignment might would have  
12 been?
- 13 A. She did not know.
- 14 MR. NIX: Talking about the summer  
15 assignment?
- 16 MS. COOLEY: Yes, that summer  
17 assignment that she mentioned  
18 that had been -- that could be  
19 the only potential lost.
- 20 Q. Are you familiar with the course 252 in the  
21 fall of 2005 which was Adult Nursing?
- 22 A. Yes.
- 23 Q. Are you familiar with the course in the

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- 1 spring of 2006 referred to as 200, Adult  
2 Nursing?
- 3 A. Yes.
- 4 Q. Are you familiar with Lindy Wright being  
5 allowed to take Adult Nursing 200 in the  
6 spring of 2006?
- 7 A. Yes.
- 8 Q. What is your understanding of how that came  
9 to be as far as her being allowed to take  
10 an Adult Nursing 200 class?
- 11 A. Okay. And I'm not sure if I can do this,  
12 but I'll try, so just tell me if this is  
13 not okay. But I believe I got a date wrong  
14 earlier.
- 15 We actually implemented the  
16 standardized curriculum in the summer of  
17 2006 because it was mandatory to do so by  
18 fall of 2006. We did not want to have  
19 students start an old curriculum in the  
20 summer and then a standardized curriculum  
21 in the fall, so I may have misstated  
22 earlier.
- 23 Q. So in the fall of '06, mandatory new

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- 1 curriculum?
- 2 A. Right, but since --
- 3 MR. NIX: No -- well, that's  
4 right. Implemented in the  
5 summer.
- 6 A. But students are admitted in the summer,  
7 and we did not want them to do what we now  
8 call the old curriculum for one semester  
9 and then start a new curriculum.
- 10 Q. At what point in that summer did you-all  
11 begin the transition period for the fall of  
12 '06 mandatory curriculum?
- 13 A. Immediately upon admission to the program.
- 14 Q. Do you know about when that would have  
15 occurred, the admission dates for summer of  
16 '06?
- 17 A. It would probably have been in the very  
18 last week of May.
- 19 Q. Okay.
- 20 A. Typically the summer semester starts in the  
21 last week of May every year.
- 22 Q. And as far as beginning that process for, I  
23 guess, streamlining your curriculum, what

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- 1 would that have entailed?
- 2 A. There was probably about two years  
3 preparation statewide or longer, two or  
4 three years of statewide preparation where  
5 nursing faculty, nursing chairs, nursing  
6 deans came to Montgomery and actually  
7 developed the standardized curriculum  
8 course by course.
- 9 Q. Okay. And then how was that implemented  
10 from the statewide all the way down to CV?  
11 What did CV do beginning in the summer of  
12 '06 to begin that streamlining process for  
13 the curriculum?
- 14 A. There are a series of things that have to  
15 be done in the academic dean's office and  
16 system-wide where the courses are put onto  
17 a computer system. And courses have what  
18 are called CIP codes that come from  
19 postsecondary. It's a classification  
20 system.
- 21 And so those kinds of processes,  
22 operational things would have taken place.  
23 And then, of course, those students who

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1 were admitted to that program did not take  
2 an entrance exam. The new admission  
3 criteria would have been implemented.

4 Q. Are you saying sic as in S-I-C codes?

5 A. C-I-P, CIP.

6 Q. CIP. As far as the CIP codes, was there  
7 some person or entity that did data entry  
8 to make the comparison between the old  
9 classes and the new classes?

10 A. I would assume so, but I don't know who  
11 exactly that would be. I assume that it  
12 would be someone in the computer department  
13 or the dean of instruction's office or  
14 both.

15 Q. Was that something that was done on a  
16 statewide level and then fed to y'all in  
17 some type of a data map or was that --

18 A. Yes, it was done at the statewide level,  
19 exactly. And then each school -- I'm not  
20 sure how the information got onto a system,  
21 but ...

22 And then at the department of  
23 postsecondary, these courses were added to

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1 students, go to find out what their final  
2 grades were. And she was told what she  
3 made on the final and that her points did  
4 not add up to 750.

5 From that point, my understanding is  
6 that she wanted to see her test grades --  
7 her tests, excuse me, not her test  
8 grades -- or both and that she wanted to  
9 review them.

10 Q. Okay. Are you aware of her being allowed  
11 to take Nursing 200 in the spring of 2006?

12 A. Yes.

13 Q. And at that time, it was referred to as  
14 Adult Nursing; is that correct?

15 A. Nursing 200 was not Adult Nursing, no.

16 Q. What was that? What was the name of that  
17 class?

18 A. I'm not sure exactly what the title, but  
19 the course is intended -- it's a transition  
20 course for students who are coming into the  
21 mobility program, so it's not an adult  
22 health course.

23 It's a course whereby students are

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1 what's called the Statewide Common Course  
2 Directory.

3 Q. Going back to the 252 and 200 that we  
4 referenced previously, you were going to  
5 tell us about your understanding of what  
6 occurred with Lindy with the Adult Nursing  
7 252 in the fall of 2005 and then Adult  
8 Nursing 200 in the spring of 2006.

9 A. Okay. I suppose I'll start with 252. What  
10 exactly do you want me to tell you?

11 Q. Anything that's your understanding and your  
12 involvement of what occurred only with  
13 Lindy Wright during that time frame with  
14 those particular grades.

15 A. Okay. What I understand is that Lindy at  
16 the end of the semester was told that she  
17 had to make a certain grade on the final,  
18 which is a typical thing for instructors to  
19 tell students because students want to know  
20 what number of points that they need.

21 And it is my understanding -- I did not  
22 witness -- that when grades were being  
23 given out that Lindy, as did her fellow

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1 assessed immediately preceding the program  
2 in order to determine if they can progress  
3 into the program. It is intended at all  
4 schools and is implemented in all schools  
5 to be a transition course.

6 It's a melting pot course where  
7 students -- where faculty review all  
8 concepts that a student should have learned  
9 in an LPN program and to ensure that they  
10 are ready to move on, so it takes the place  
11 of an entrance test mechanism.

12 Q. In the spring of 2006, was Nursing 200 a  
13 mandatory course?

14 A. Yes, for students who had not gone through  
15 a statewide standardized LPN curriculum.  
16 It was for new students coming into our RN  
17 program who had not graduated from a  
18 statewide standardized LPN program.

19 Q. To your knowledge, had Lindy graduated from  
20 a statewide recognized LPN program?

21 A. No, she had not graduated from a  
22 standardized curriculum.

23 Q. Okay.

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- 1 A. And the reason that Lindy was offered 200  
2 is because that was a course that was the  
3 most appropriate. In an attempt to help  
4 her graduate on time, Ms. Harris and I  
5 talked about it and we approached her and  
6 another student and offered them the  
7 opportunity to take 200 so that they could  
8 graduate on time rather than come back the  
9 following year and try to find a course  
10 that was the most appropriate for her to  
11 repeat.
- 12 Q. So was 200 -- when you say being allowed to  
13 graduate on time, was Nursing 200 in the  
14 spring of 2006 that you and Ms. Harris  
15 thought that was the best idea for Lindy to  
16 take, that was done in an effort for Lindy  
17 to graduate on time; is that correct?
- 18 A. Absolutely.
- 19 Q. When you say graduate on time, did that  
20 mean that the assumption was that that  
21 spring of 2006, Nursing 200, she would be  
22 given credit in order to have the 750  
23 points that she needed that she had lost in

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- 1 the 252?
- 2 A. No. What would happen is because she was  
3 unsuccessful in the fall semester  
4 grade-wise in 252 and 271 and her appeal --  
5 we ruled in her favor on her appeal for  
6 271, that meant she only had one failure,  
7 so then she still had to repeat 252.
- 8 Q. Okay.
- 9 A. 252 would not exist in the new curriculum.  
10 So what would have to happen is that she  
11 would have had to have been blended in with  
12 another course that would not have been  
13 exactly designed like 252, but we would  
14 have had to have put her in one as close as  
15 possible in order for her to repeat the  
16 material.
- 17 In an effort to help her and -- so that  
18 she could graduate in May of '07 -- excuse  
19 me, '06, we offered her the opportunity to  
20 take 200 with Ms. Harris molding the  
21 assignments to the content that was in 252.
- 22 Q. Okay. So when Ms. Harris molded -- it  
23 sounds like almost customized it for her.

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- 1 Is that what she did?
- 2 A. That would be a very good word.
- 3 Q. So when she customized it, did she  
4 customize it to do not only the transition  
5 melting pot course but also to focus or  
6 carve out some of the Adult Nursing  
7 concepts as well?
- 8 A. Mostly to do the latter, not the former  
9 because of -- Lindy would not have needed  
10 that. She was already admitted to the  
11 program and we already validated that she  
12 had the knowledge as an LPN, so we did  
13 not -- the course was not to serve that  
14 purpose.
- 15 Q. So the course was, in essence, to assist  
16 her with Adult Nursing then; is that  
17 correct?
- 18 A. That was the intent, yes.
- 19 Q. So it was about as close as custom tailored  
20 as you could make it for Adult Nursing for  
21 Lindy?
- 22 A. Yes.
- 23 Q. So would it be safe to say that Nursing

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- 1 200, even though it was called a different  
2 number -- and I'm referring to the spring  
3 of 2006, the Nursing 200, in essence it  
4 was, in fact, Adult Nursing, but  
5 custom-tailored for Lindy?
- 6 A. There were adult health concepts. And all  
7 that Ms. Harris did, I could -- I could not  
8 speak for her because she was the  
9 instructor of record and then she was the  
10 one who decided what needed to be done in  
11 the course, not me. I just was involved at  
12 the point that I would request that the  
13 course be a substitute for 252 that would  
14 no longer exist.
- 15 Q. So, in fact, you did request that it be a  
16 substitute for 252 that was no longer going  
17 to exist; is that correct?
- 18 A. That's correct. Actually, my health  
19 science coordinator filled out the paper.  
20 It's not in my handwriting. But I asked  
21 her to do a course substitution form.
- 22 Q. Okay. And you're aware that Lindy made an  
23 A in that course, in the course we're



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1 referring to as the spring 2006, the Adult  
 2 Nursing 200 that y'all basically  
 3 custom-tailored for Lindy; is that correct?  
 4 A. Yes, I'm aware she made an A.  
 5 Q. Nursing 272 in the spring of 2006, did that  
 6 consist of pediatrics?  
 7 A. Yes, it did.  
 8 Q. Was that the proper name for it?  
 9 A. Yes.  
 10 Q. Pediatrics?  
 11 A. Uh-huh. (Positive response.)  
 12 Q. In the pediatrics course, are you aware of  
 13 how Lindy faired in that class in 272 in  
 14 the spring of 2006?  
 15 A. Pretty much based on Lindy's description  
 16 and coming to talk to me, yes. I think  
 17 that she was very close. I don't remember  
 18 the number of points exactly, but a student  
 19 has to have 750. I don't remember the  
 20 number of points.  
 21 Q. Is that 750 points per class that a student  
 22 takes in order to progress to the next  
 23 level?

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1 A. Yes. It's 750 points, which is synonymous,  
 2 as you can see, with 75 percent.  
 3 Q. What is your understanding of what Lindy  
 4 did in Nursing 272 in the spring of 2006?  
 5 A. What she did in regards to --  
 6 Q. Grade-wise, yes, ma'am, in the pediatrics  
 7 course.  
 8 A. I don't know what her test grades were. I  
 9 don't think they were very good, but I  
 10 don't -- I don't remember exactly what they  
 11 were. I know what Lindy told me, and then  
 12 I know that there is a grade sheet, you  
 13 know, where students get their grade sheets  
 14 and the points are outlined.  
 15 Q. What is your understanding of what Lindy  
 16 told you how she faired in 272 in the  
 17 spring of 2006?  
 18 A. That she was close. And, again, I don't  
 19 remember what she told me as far as number  
 20 of points, but that she was close. And she  
 21 asked me about care plans. We talked a  
 22 little bit about care plans and the grades  
 23 that she had made on some care plans.

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1 We talked in the dean's office during  
 2 the time that she was in appeal. She asked  
 3 me to help her. I told her I wanted to  
 4 help her, I said, but I'm not the  
 5 instructor and, you know, that's not  
 6 anything that I can rule on. The only  
 7 thing I can tell you to do is to go back to  
 8 your instructor and check your points and  
 9 you can ask her if you -- if you can do  
 10 your -- redo your care plans, but I can't  
 11 answer for her.  
 12 Q. Do you remember who she told you her  
 13 instructor was for 272?  
 14 A. Yes. It was Ms. Harris.  
 15 Q. Ms. Harris?  
 16 A. Uh-huh. (Positive response.)  
 17 Q. You said that y'all had a meeting -- or you  
 18 believe that y'all had a meeting in the  
 19 dean's office?  
 20 A. Well, Lindy came by, yes, and we were in  
 21 the dean's office. Yes.  
 22 Q. Which dean?  
 23 A. Lowe. Lowe.

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1 She was in the midst of trying to go  
 2 around, looking for her things and make  
 3 appointments, yes.  
 4 Q. Was that during the grade appeal process?  
 5 A. I believe it was.  
 6 Q. Do you recall the conversation that would  
 7 have occurred between Dean Lowe, Lindy and  
 8 yourself?  
 9 A. Pretty much. Lindy, again, was trying to  
 10 gather her information or I believe make  
 11 appointments with Ms. Harris and find out  
 12 the process again. Again, she asked me to  
 13 help her, and I referred her back to the  
 14 instructor.  
 15 Q. So you do recall Lindy requesting help from  
 16 you, and you referred her back to the  
 17 instructor, Ms. Harris?  
 18 A. She said, will you help me? And I said,  
 19 Lindy, I want to help you. And we talked  
 20 about care plans, and I told her that I  
 21 could not authorize that. I was not the  
 22 instructor of record. But, I said, you can  
 23 go back and see, because I didn't know

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1 anything about the particulars of the  
 2 grades or what was done, what was not  
 3 done. So Lindy said she would do that.  
 4 Q. In reference to the care plans, can you  
 5 elaborate a little more about that? You  
 6 stated that came up in the conversation.  
 7 Was there something specific regarding care  
 8 plans that was mentioned?  
 9 A. What I recall was that I believe Lindy may  
 10 have told me the grades that she made on  
 11 the care plans, but I don't remember the  
 12 grades. Again, she was telling me --  
 13 MR. NIX: If you don't remember,  
 14 now, don't speculate. Okay?  
 15 THE WITNESS: Okay.  
 16 MR. NIX: If you remember, please  
 17 tell her, but --  
 18 A. I don't remember the grades.  
 19 Q. That's fine.  
 20 A. And what I remember is that she asked for  
 21 the help, and I referred her back to  
 22 Ms. Harris.  
 23 Q. But as far as what would have been in the

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1 mathematical error or not, correct, because  
 2 you hadn't seen the care plans?  
 3 MR. NIX: Object to the form of  
 4 that.  
 5 A. Lindy had not indicated to me that there  
 6 was a mathematical error.  
 7 Q. Do you have an opinion or an understanding  
 8 as to what course forgiveness is at CVCC?  
 9 A. I absolutely know almost nothing about  
 10 course forgiveness. I never have dealt  
 11 with it before ever except when it came up  
 12 in this complaint.  
 13 Q. And this complaint, you're referring to  
 14 Lindy Wright's complaint?  
 15 A. Yes.  
 16 Q. So up until then, that is not something  
 17 that you had dealt with in your 23 years  
 18 at --  
 19 A. Ever.  
 20 Q. Okay. You have not dealt with it.  
 21 Have you had any of your students deal  
 22 with it with another individual and then  
 23 have brought you into it?

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1 care plans, you don't recall --  
 2 A. Absolutely not.  
 3 Q. Did Instructor Harris follow back up with  
 4 you to let you know whether or not Lindy  
 5 had contacted her to discuss the care  
 6 plans?  
 7 A. I'm pretty sure that she did. I can't  
 8 recall exactly. I believe what she said  
 9 was that at that time, she had not allowed  
 10 her students to do it and she wanted to be  
 11 fair and consistent.  
 12 Q. And Ms. Harris reported directly to you; is  
 13 that correct?  
 14 A. At that time, yes.  
 15 Q. Could you have authorized her to allow -- I  
 16 mean, was it within your supervisory power,  
 17 if you will, to mandate that she allow  
 18 Lindy to review the care plans?  
 19 A. I don't think it was within my power. I've  
 20 never done that in all of my years of being  
 21 chair unless there was a blatant, obvious  
 22 mathematical error.  
 23 Q. You didn't know if there had been a

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1 A. No, never.  
 2 Q. So there hasn't been any contact between  
 3 you and another student regarding course  
 4 forgiveness?  
 5 A. Absolutely not.  
 6 Q. So do you have an understanding at all as  
 7 to what course forgiveness is as recognized  
 8 by CVCC?  
 9 MR. NIX: I object to the form.  
 10 She's already said she  
 11 doesn't --  
 12 MS. COOLEY: She said she didn't  
 13 have an opinion as to it.  
 14 Q. Do you have an understanding as to it?  
 15 MR. NIX: No. She said she knew  
 16 nothing about it.  
 17 Q. I just want to verify. You know nothing  
 18 about course forgiveness as it's defined at  
 19 CVCC; is that correct?  
 20 A. Just that I've read the policy in the  
 21 catalog.  
 22 Q. What about the grade appeal process at  
 23 CVCC? Are you familiar with that process?

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- 1 A. Yes.
- 2 Q. Is that something that you've been involved
- 3 with with your students previously?
- 4 A. Yes.
- 5 Q. Is that something that you've been involved
- 6 with on a frequent or infrequent basis with
- 7 your students?
- 8 A. I would say infrequent. In fact, we had to
- 9 report that at our recent accreditation.
- 10 Q. When you say report, what does that mean?
- 11 A. Actually submit the number and types of
- 12 grade appeals.
- 13 Q. So basically it's almost like an accounting
- 14 type process of how many folks have
- 15 appealed, and you report that to -- is that
- 16 what you're saying?
- 17 A. No, it's not an accounting process. It was
- 18 part of the accreditation process when they
- 19 came.
- 20 Q. And they being the Board of Nursing?
- 21 A. The National League for Nursing Accrediting
- 22 Commission, yes.
- 23 Q. When was that that they came recently?

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- 1 A. November '06.
- 2 Q. Are you familiar with a student named Arit
- 3 Umoh?
- 4 A. Yes.
- 5 Q. Was she one of the students enrolled at
- 6 CVCC?
- 7 A. Yes.
- 8 Q. To your knowledge, was she allowed course
- 9 forgiveness within CVCC's nursing program?
- 10 A. No, not to my knowledge.
- 11 Q. Are you familiar with a student Shannah
- 12 Lowe?
- 13 A. Yes.
- 14 Q. Was she a student at the CVCC nursing
- 15 program?
- 16 A. Yes.
- 17 Q. Do you know? Was she -- or are you aware
- 18 that she was allowed to take a makeup lab
- 19 for Pediatrics 272?
- 20 A. Yes, I'm aware of that.
- 21 Q. Do you know Elise Sizemore?
- 22 A. Yes.
- 23 Q. Was she a student at CVCC's nursing

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- 1 program?
- 2 A. Yes.
- 3 Q. To your knowledge, was she allowed to
- 4 administer medication without having
- 5 completed the medication calculation test
- 6 successfully to your knowledge?
- 7 A. My understanding is -- I don't know for
- 8 sure.
- 9 Q. But you are aware that she was a student at
- 10 CVCC?
- 11 A. Yes.
- 12 Q. Do you know an individual named Carola
- 13 Rambo?
- 14 A. Yes.
- 15 Q. Was Ms. Rambo a student at CVCC?
- 16 A. Yes.
- 17 Q. To your knowledge, was she allowed course
- 18 forgiveness for 272?
- 19 A. No.
- 20 Q. Do you know an individual named Courtney
- 21 Kelly?
- 22 A. Yes.
- 23 Q. Was she a student at CVCC?

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- 1 A. Yes, and she is a student now at CVCC.
- 2 Q. To your knowledge, when she was a previous
- 3 student at CVCC, did she, in fact, fail two
- 4 classes at CVCC within the nursing program?
- 5 A. She failed --
- 6 MR. NIX: If you know.
- 7 A. She failed three.
- 8 Q. In the nursing program?
- 9 A. Simultaneously, not three separate
- 10 occasions, because of not coming to class.
- 11 It was a failure for lack of attendance.
- 12 Q. Okay.
- 13 A. Failures for lack of attendance. She did
- 14 not show up for class. And because she did
- 15 not come and drop the classes, the
- 16 instructors were forced by policy to give
- 17 her F's.
- 18 Q. And that was within the nursing program; is
- 19 that correct?
- 20 A. Yes.
- 21 Q. And she's a current student today; is that
- 22 correct?
- 23 A. Yes, under new guidelines. When she --

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1 When she failed due to absences of those  
 2 three courses simultaneously, that was the  
 3 old curriculum. She has since applied --  
 4 re-applied under the new guidelines and  
 5 been admitted, so she did not repeat the  
 6 program from a previous admission.  
 7 Q. When Ms. Kelly failed for lack of  
 8 attendance, was that seen still as a  
 9 failure within the program?  
 10 A. Absolutely. Absolutely. She had three  
 11 courses that she did not -- there are three  
 12 courses offered in the summer semester.  
 13 She did not show up for them, so she was  
 14 given -- I don't remember if she got WF's  
 15 or what was going on, but she was excluded  
 16 from the program.  
 17 Q. And that was the Nursing Mobility Program?  
 18 A. Yes.  
 19 Q. To your knowledge, is Courtney Kelly  
 20 related to anyone at CVCC?  
 21 A. No, not to my knowledge.  
 22 Q. Do you know an individual named Margaret  
 23 Howard?

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1 A. Yes. I know two Margaret Howards.  
 2 MR. NIX: Howard? Is that what  
 3 you're saying?  
 4 MS. COOLEY: Yes.  
 5 Q. Do you know an individual named Margaret  
 6 Howard who would have been a CVCC student?  
 7 A. Yes.  
 8 Q. Were there two Ms. Howards that were  
 9 students?  
 10 A. No.  
 11 Q. The Ms. Howard who was a student at CVCC,  
 12 to your knowledge, did she fail two classes  
 13 within the Nursing Mobility Program?  
 14 A. I don't think so. Of course, you  
 15 understand I don't remember every student's  
 16 status.  
 17 Q. Absolutely. Yes, ma'am.  
 18 MS. COOLEY: May we take a quick  
 19 break, please?  
 20 (Brief recess was taken.)  
 21 MS. COOLEY: Thank you for the  
 22 break.  
 23 Q. Are you familiar with an individual named

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1 Sherry Lifsey?  
 2 A. Lifsey, yes.  
 3 Q. And how are you familiar with Ms. Lifsey?  
 4 A. She was employed at Chattahoochee Valley  
 5 Community College.  
 6 Q. In what capacity was Ms. Lifsey employed at  
 7 CVCC?  
 8 A. As a nursing instructor.  
 9 MR. NIX: Can you spell that?  
 10 MS. COOLEY: I don't know how to  
 11 spell it.  
 12 THE WITNESS: L-I-F-S-E-Y.  
 13 Q. It's F. There's no T in it?  
 14 A. L-I-F-S-E-Y.  
 15 Q. How long was Ms. Lifsey employed at CVCC?  
 16 A. Maybe a year and a half.  
 17 Q. Do you know during what time frame  
 18 Ms. Lifsey was employed at CVCC?  
 19 A. She came in November of '05, I think,  
 20 November 1st, '05.  
 21 Q. Do you recall what classes Ms. Lifsey would  
 22 have taught at CVCC during the time that  
 23 she was employed?

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1 A. The first semester she came, she didn't  
 2 teach anything. She was with me because I  
 3 was teaching the courses in the LPN  
 4 program. So November and December until  
 5 such time we were out on Christmas break,  
 6 she didn't teach anything.  
 7 In spring semester, she would have  
 8 picked up with the second course in the new  
 9 LPN curriculum which would have been  
 10 Nursing 105.  
 11 Q. Is that the primary course that she taught  
 12 when she was at CVCC?  
 13 A. That was the primary one that semester, and  
 14 then there may have been another one. That  
 15 was the primary one. And then in summer  
 16 '06 would have been Nursing 107 would have  
 17 been her primary one.  
 18 Q. And those were LPN classes?  
 19 A. Yes.  
 20 Q. To your knowledge, did Ms. Lifsey ever  
 21 teach the Nursing Mobility students?  
 22 A. Not to my knowledge. She substituted for a  
 23 class period when Ms. Harris was out sick.



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1 Q. Was that just one time to your knowledge  
2 that she substituted?  
3 A. It might have been two classes, maybe a  
4 total of five or six hours.  
5 Q. Do you know what class that would have been  
6 that she would have substituted for  
7 Ms. Harris?  
8 A. It was in spring '07. It would have been  
9 Nursing 203, I believe.  
10 Q. And you're saying that's spring of 2007?  
11 A. Yes, when she substituted --  
12 Q. So that would have been the spring that  
13 just occurred, then?  
14 A. Yes.  
15 Q. During the time that Ms. Lifsey -- in  
16 November and December of 2005, you said  
17 that she was with you. Did that mean she  
18 was your assistant, or what did she do?  
19 A. She just followed me. She did not have a  
20 teaching assignment because she came  
21 obviously in the middle of the semester.  
22 Q. Did Ms. Lifsey have a master's in nursing?  
23 A. Yes.

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1 Q. Do you know what that master's was in?  
2 A. Nursing education.  
3 Q. Do you recall ever instructing Ms. Lifsey  
4 to oversee a grade review between  
5 Ms. Harris and Lindy Wright?  
6 A. I don't recall instructing, no. It seems  
7 like I remember Lynn asking her to witness  
8 something, but I can't remember for sure.  
9 Q. And when you say Lynn, are you referring to  
10 Instructor Harris?  
11 A. Yes. I'm sorry.  
12 Q. She would have asked Ms. Lifsey to --  
13 A. Witness a review or something of that  
14 nature is my understanding.  
15 Q. And that would have been a grade review  
16 between Instructor Harris and Ms. Wright;  
17 is that correct?  
18 A. I'm not sure if it was a grade review. I  
19 assume that's what it was, Lindy asking  
20 questions to see her materials I suppose.  
21 Q. Okay. But you did not instruct Ms. Lifsey  
22 to be a part of that?  
23 A. Not to my recollection.

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1 Q. Going back to Lindy's grade appeal for  
2 Nursing 252, do you recall telling Lindy  
3 that instructors from Wallace would be  
4 involved in that grade appeal process as  
5 far as their opinions and thoughts?  
6 A. I don't remember if I told Lindy that or  
7 not.  
8 Q. Is it normal or is it ordinary in the  
9 course of a grade appeal process for  
10 Wallace instructors to be involved in that?  
11 A. I wouldn't say that it is commonplace, but  
12 it is certainly within the guidelines of  
13 the policy to seek outside help.  
14 Q. Are there particular individuals within  
15 Wallace who specialize in grade appeals?  
16 A. No. I believe what happened was -- and I  
17 can't answer for Dean Lowe, that he  
18 asked --  
19 MR. NIX: If you don't know, don't  
20 speculate.  
21 A. I don't know. I don't know.  
22 Q. So you don't know if there are individuals  
23 at Wallace who have expertise in the grade

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1 appeal process; is that correct?  
2 A. I do not know.  
3 Q. And you also stated that it is not uncommon  
4 to seek outside assistance in the grade  
5 appeal process.  
6 A. Correct.  
7 Q. Had Wallace instructors previously been  
8 sought in a grade appeal process for  
9 nursing --  
10 A. From that particular college, no.  
11 Q. When you say that particular college, do  
12 you mean the nursing college or Wallace,  
13 the college itself?  
14 A. Both.  
15 Q. Is Wallace also the same --  
16 MR. NIX: Excuse me. Let me go  
17 back. I think you misquoted  
18 her. I think you said -- you  
19 quoted her as saying not  
20 uncommon to have outside  
21 people in the grade review  
22 process but within the  
23 guidelines.

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1 MS. COOLEY: I'll rephrase it.  
 2 MR. NIX: I don't know. Can you  
 3 read it back? Do you mind  
 4 doing that?  
 5 (The following was read:  
 6 Question: Is it normal or is it  
 7 ordinary in the course of a  
 8 grade appeal process for  
 9 Wallace instructors to be  
 10 involved in that?  
 11 Answer: I wouldn't say that it is  
 12 commonplace, but it is  
 13 certainly within the  
 14 guidelines of the policy to  
 15 seek outside help.  
 16 Question: Are there particular  
 17 individuals within Wallace who  
 18 specialize in grade appeals?  
 19 Answer: No. I believe what  
 20 happened was -- and I can't  
 21 answer for Dean Lowe, that he  
 22 asked --  
 23 MR. NIX: If you don't know, don't

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1 asked. Okay.  
 2 MR. NIX: Wait. No. Yeah, you  
 3 did. You said not uncommon,  
 4 and she said --  
 5 MS. COOLEY: And I said not  
 6 uncommon and she said it is  
 7 not.  
 8 MR. NIX: -- I would not say it is  
 9 common.  
 10 MS. COOLEY: So not common and --  
 11 all right.  
 12 MR. NIX: What she said, I would  
 13 not say it is common. What  
 14 you said was, it's not  
 15 uncommon. That's different.  
 16 Q. In the grade appeal process, is it common  
 17 for CVCC to seek outside counsel or outside  
 18 assistance in the grade appeal process?  
 19 A. We've not had that many grade appeals. I  
 20 believe it may have happened before, but I  
 21 don't remember when. I know that I have  
 22 served on a grade appeal for another  
 23 college, for another nursing school in our

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1 speculate.  
 2 Answer: I don't know. I don't  
 3 know.  
 4 Question: So you don't know if  
 5 there are individuals at  
 6 Wallace who have expertise in  
 7 the grade appeal process; is  
 8 that correct?  
 9 Answer: I do not know.  
 10 Question: And you also stated  
 11 that it is not uncommon to  
 12 seek outside assistance in the  
 13 grade appeal process.  
 14 MR. NIX: I think your question  
 15 was you said it is not  
 16 uncommon. What Dixie said was  
 17 I would not say it's common,  
 18 but it's within the  
 19 guidelines. And I don't want  
 20 there to be a disconnect on  
 21 that.  
 22 MS. COOLEY: It's not uncommon, so  
 23 that was exactly what I'd

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1 system.  
 2 Q. Is Wallace -- is it Wallace University or  
 3 Wallace College?  
 4 A. Wallace Community College in Dothan.  
 5 Q. Is Wallace Community College a college that  
 6 has a good working relationship with CVCC?  
 7 A. We have a relationship -- you know, a good  
 8 relationship with all of the colleges. I  
 9 don't know anybody personally there.  
 10 Q. Is Wallace Community College the same  
 11 entity who performed the distance learning  
 12 for --  
 13 A. No, that was Wallace Community College in  
 14 Hanceville, Alabama.  
 15 Q. There are different campuses for Wallace  
 16 Community College?  
 17 A. Right. It's not the same college and  
 18 different campuses. It's actually  
 19 different colleges. There's a Wallace  
 20 Community College in Selma. There's a  
 21 Wallace Community College in Hanceville,  
 22 Andalusia, et cetera.  
 23 Q. So the Wallace Community College who

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1 provided the distance learning for the  
 2 nursing program would not be the same  
 3 Wallace Community College who may or may  
 4 not have participated in the grade appeal  
 5 process?  
 6 A. Correct.  
 7 Q. To your knowledge, did, in fact, Wallace  
 8 Community College become involved in  
 9 Lindy's grade appeal process?  
 10 A. Yes.  
 11 Q. Was that the Wallace Community College that  
 12 was based in Dothan, Alabama?  
 13 A. Yes.  
 14 Q. Do you know how many individuals from  
 15 Wallace Community College were involved in  
 16 that process?  
 17 A. Yes. There were two.  
 18 Q. Are those individuals, individuals who are  
 19 nursing faculty members?  
 20 A. Yes.  
 21 Q. Both of those individuals?  
 22 A. Yes.  
 23 Q. At the conclusion of the grade appeal

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1 process -- scratch that.  
 2 Who else was involved in reviewing  
 3 Lindy's grade appeal form?  
 4 A. Well, the procedure is that the student  
 5 first speaks with the instructor, and the  
 6 instructor then provides a written response  
 7 to the student.  
 8 And then the next step is the student  
 9 if they disagree with the response that  
 10 they receive from the instructor submits it  
 11 to the division chair.  
 12 Then if the student disagrees with the  
 13 response from the division chair, then it  
 14 goes to the dean of instruction.  
 15 Q. At what point did Wallace Community College  
 16 become involved in the grade appeal process  
 17 for Lindy?  
 18 A. I'm not sure. I believe it was at the  
 19 dean's level.  
 20 Q. When you say dean, that's the dean of  
 21 instruction, and at that point in time that  
 22 would have been Dean Lowe?  
 23 A. Correct.

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1 Q. Are there any other individuals to your  
 2 knowledge besides Dean Lowe, the original  
 3 instructor and the two individuals from  
 4 Wallace who would have been involved in the  
 5 grade appeal process for Lindy for Course  
 6 252?  
 7 A. Well, myself. You didn't mention me, but  
 8 none other than those.  
 9 Q. And so the team -- would that be like a  
 10 grade appeal team for her at that point?  
 11 A. I don't think it would be called a grade  
 12 appeal team. I just think it would be  
 13 considered -- according to policy, I think  
 14 the policy calls it outside experts.  
 15 Q. Okay. So would the two outside experts,  
 16 yourself, Dean Lowe, and the instructor who  
 17 would have been Ms. Harris --  
 18 Is that correct?  
 19 A. Correct.  
 20 Q. -- did you-all meet together to try to come  
 21 up with a plan or was it --  
 22 A. No.  
 23 Q. How was that done?

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1 A. I believe Lindy followed the policy and saw  
 2 Ms. Harris first. Ms. Harris gave me a  
 3 written summary of Lindy's grades and the  
 4 care plan grades, test grades, those kinds  
 5 of things. I believe she gave me a written  
 6 summary.  
 7 And then I ruled in Ms. Harris's favor  
 8 based upon the information that I had, and  
 9 then it went to the dean. And I don't  
 10 remember at what level the Wallace  
 11 Community College people were involved.  
 12 Q. To your knowledge, did Ms. Harris provide a  
 13 written response back to Lindy Wright?  
 14 A. I don't know.  
 15 Q. Based on the outline that you provided to  
 16 me, I want to verify the grade appeal  
 17 process. The first step is for the student  
 18 to go to the instructor, and then the  
 19 instructor provides a written response back  
 20 to the student; is that correct?  
 21 A. I'm not sure if the policy says written  
 22 response, but the instructor has to respond  
 23 to the student in some fashion. Lindy had

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1 done that, so she had seen the instructor.  
2 She had performed the step that was  
3 required prior to coming to me.  
4 Q. So then she came to the division chair, and  
5 at that point you received a summarization  
6 of her grades, exam, care plan. From that,  
7 you made a decision. Your decision was to  
8 rule in the favor of Ms. Harris, which  
9 would be against Lindy. And then at that  
10 point, how did it escalate up to the level  
11 of Dean Lowe? Did you initiate that?  
12 A. No, Lindy did. That was the student's  
13 responsibility.  
14 Q. Was there ever a time that you were called  
15 in to discuss or present your findings to  
16 Dean Lowe regarding Lindy?  
17 A. I forwarded the paperwork that I had to  
18 Dean Lowe. I was actually the one who  
19 mailed the suggestion to Dean Lowe that in  
20 order to be fair to Lindy, because she was  
21 very concerned that -- about her test, that  
22 someone -- that he should consider someone  
23 from the outside coming in to look at it.

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1 Q. And then from the time frame that you  
2 proposed that to Dean Lowe, do you know how  
3 long it took until the outside assistance  
4 from Wallace Community College occurred?  
5 A. I do not recall because I -- I didn't make  
6 those arrangements. He did.  
7 Q. And you do not know who those individuals  
8 were at Wallace Community College? You  
9 just know they were nursing faculty; is  
10 that correct?  
11 A. Right. I know their names now because I  
12 read it, but I did not know them nor do I  
13 know them now.  
14 Q. So after Dean Lowe consulted with the  
15 outside assistance, with the nursing  
16 faculty at Wallace Community College, they,  
17 in fact, made the final decision; is that  
18 correct?  
19 A. Again, I do not remember exactly if those  
20 outside experts were there at exactly what  
21 level. I just remember that I made that  
22 recommendation, and he contacted whomever.  
23 Q. Okay.

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1 A. And then they submitted their findings to  
2 him. They may have given me a copy. I  
3 don't remember. But since he contacted  
4 them, I believe that they gave their  
5 findings to him.  
6 Q. You had stated previously that Lindy did,  
7 in fact, mention that she thought that her  
8 care plans had been lost; is that correct?  
9 A. Yes, she mentioned them to me at some  
10 point, yes.  
11 Q. Were there any other fellow students in her  
12 clinical group who mentioned that to you as  
13 well?  
14 A. Not that I recall.  
15 Q. Were there any other students not within  
16 her clinical group but within her nursing  
17 student core group who had mentioned that  
18 their care plans had been lost?  
19 A. Not that I recall. What I remember is a  
20 student coming and asking me where that  
21 Ms. Gruber -- I believe they said that  
22 Ms. Gruber had said that -- they had asked  
23 Ms. Gruber where their assignments were and

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1 who was going to grade their assignments  
2 that Ms. Gunnels had given them that  
3 summer.  
4 Q. Was that because Ms. Gunnels had resigned?  
5 A. Yes.  
6 Q. Can you tell me why Courtney Kelly was  
7 allowed to re-enroll in the program if she  
8 had failed three classes?  
9 A. Yes. She did not re-enroll. She was under  
10 the old curriculum, and she simultaneously  
11 failed due to absences. Courtney had to  
12 totally reapply and compete with other  
13 students. She did not re-enroll.  
14 Q. So it was considered a new enrollment if  
15 she wanted to go through that program  
16 again?  
17 A. It was a new application procedure and she  
18 had to compete, yes.  
19 Q. Were her absences only at the final exam  
20 that she had had the absences?  
21 A. I don't recall at what point she was absent  
22 because I was not her teacher in any of  
23 those courses. I just remember that



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1 secretaries in the office repeatedly tried  
 2 to contact her because it was reported to  
 3 us that she was not showing up. And they  
 4 were trying to reach her in order to get  
 5 her to drop the classes.  
 6 Q. But a WF is still seen as a failure; is  
 7 that correct?  
 8 A. If a student withdraws from the program or  
 9 withdraws -- according to the policy at  
 10 that time, withdrawals are failures.  
 11 Q. And that was under the same curriculum that  
 12 Ms. Wright had when she was attending; is  
 13 that correct?  
 14 A. I assume so. I don't remember exactly the  
 15 year that Courtney was there. But, yes, it  
 16 should have been exactly -- it should have  
 17 been -- withdrawals are failures, yes.  
 18 Q. So if, in fact, Ms. Wright wanted to begin  
 19 the application process as a fresh student  
 20 at CVCC, would she be allowed to do that?  
 21 A. Absolutely. If the time span -- the State  
 22 has a time span. I believe it's two years.  
 23 Q. Two years, what? From the time that

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1 MS. COOLEY: I have nothing  
 2 further. Thank you.  
 3 MR. NIX: We need a minute. I'm  
 4 going to ask some questions,  
 5 if you'll excuse us.  
 6 (Brief recess was taken.)  
 7 (Defendant's Exhibits 44 through 49  
 8 were marked for identification.)  
 9 MR. NIX: We have not been -- I  
 10 don't think we've been  
 11 offering our exhibits, any of  
 12 us have been really in the  
 13 depositions. Can we just  
 14 agree that anything offered  
 15 is -- at least the predicate  
 16 is --  
 17 MS. COOLEY: Sure.  
 18 EXAMINATION  
 19 BY MR. NIX:  
 20 Q. Ms. Peterson, earlier in this deposition,  
 21 Ms. Cooley asked you whether you recalled  
 22 certain things. She asked you whether you  
 23 recalled saying to Ms. Gunnels and/or

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1 someone -- how does that work?  
 2 A. I've never had to look at it. I believe  
 3 that it is two years from the time that  
 4 they left the program. I don't have the  
 5 policy --  
 6 Q. Two years from the time that they left the  
 7 program, but they would still be considered  
 8 a -- if they were even accepted, it would  
 9 still be a new admission; is that correct?  
 10 A. Yes.  
 11 Q. Competing with all the same brand new  
 12 nursing students and basically taking  
 13 classes over from scratch; is that correct?  
 14 A. Well, they wouldn't be taking classes over  
 15 because now it's a totally -- the classes  
 16 are new and there are not as many as there  
 17 were before. There are only four classes  
 18 in the mobility program now. There's one  
 19 each semester except for the last  
 20 semester. There's a total of four.  
 21 Q. So those classes must be incredibly  
 22 concentrated then, aren't they?  
 23 A. They're very integrated, yes.

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1 Ms. Bellamy or both Ms. Gunnels and  
 2 Ms. Bellamy together that Lindy Wright  
 3 needed to fail or needed to be failed,  
 4 and your answer to that was emphatic,  
 5 although I'm not sure the record really  
 6 reflects the meaning of it. You said I do  
 7 not remember that at all.  
 8 So I would ask you this simply, very  
 9 simply. Have you ever said to any  
 10 instructor in the nursing program that any  
 11 particular or specific student needed to  
 12 fail?  
 13 A. Are you finished with the question?  
 14 Q. Yes.  
 15 A. No.  
 16 Q. Have you ever said to any instructor or  
 17 anyone in the nursing program that any  
 18 particular or specific student needed to be  
 19 failed by an instructor?  
 20 A. Absolutely not.  
 21 Q. Okay. You described at about that same  
 22 time in the deposition what your general  
 23 inquiry is with respect to students and how

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1 they're doing. Can you tell us what that  
 2 is again?  
 3 A. Right, if I know what you're referring to,  
 4 is typically at interval times throughout  
 5 the semester and certainly at the final  
 6 time, I would inquire about how students  
 7 are doing, what grades seem to be, and what  
 8 students appear to be failing.  
 9 Q. Okay. Can you tell me what you -- why you  
 10 do that?  
 11 A. Well, obviously, first of all, to determine  
 12 how many students might be failing one  
 13 course or how many students might be  
 14 failing two courses to see if we're going  
 15 to lose any students or what number of  
 16 students are in jeopardy and --  
 17 Q. Okay.  
 18 A. Basically, that's -- that was my job.  
 19 Q. All right. Now, let me show you what I  
 20 have marked as Defendant's Exhibit 44, and  
 21 I'll ask you to look at that and describe  
 22 it, please, for the record.  
 23 A. This is a status letter regarding

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1 progression in the program.  
 2 Q. All right. What is a status letter,  
 3 Ms. Peterson?  
 4 A. A status letter is something that I  
 5 developed during my time there during the  
 6 time that I served as chair. And it would  
 7 actually be a letter that I would send to  
 8 students at the end of a semester to  
 9 document their progress or lack thereof --  
 10 actually, their lack of progress so that  
 11 they knew their progression status in the  
 12 program.  
 13 Q. What is the date of that particular status  
 14 letter, Exhibit 44?  
 15 A. It's dated December 20th, 2005.  
 16 Q. Is that addressed to any particular person?  
 17 A. It's to Lindy Wright, but there's no  
 18 physical address on here.  
 19 Q. But it's addressed to her by name?  
 20 A. Yes.  
 21 Q. December 20, 2005. And what are you --  
 22 what does that letter say to Ms. Wright, to  
 23 Lindy Wright?

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1 A. It says the purpose of this letter is to  
 2 inform you of your status and that you have  
 3 failed Nursing 252 and Nursing 271.  
 4 Q. Does the letter quote part of the handbook,  
 5 the nursing student handbook, catalog?  
 6 A. Yes.  
 7 Q. Can you read the part that you quote in  
 8 that letter to Ms. Wright?  
 9 A. Could you ask me that again.  
 10 Q. Yes. Could you read the part of the  
 11 catalog or the handbook that's contained in  
 12 Exhibit 44 that you quote.  
 13 A. It reads: Policy states that a student is  
 14 allowed a maximum of two failures in the  
 15 LPN or ADN program before he or she is  
 16 dismissed from the program and withdraws  
 17 from nursing course -- and withdrawals from  
 18 nursing courses are counted as failures  
 19 except in extenuating circumstances as  
 20 determined by the division chair. Students  
 21 cannot progress in the program until the  
 22 course failed has been successfully  
 23 repeated.

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1 Q. So in that correspondence, you're saying to  
 2 Ms. Wright if I'm correct -- tell me if I'm  
 3 wrong -- that she has failed NUR 252 and  
 4 NUR 271 in the fall semester of 2005; is  
 5 that right?  
 6 A. Yes.  
 7 Q. And you quote for her the part of the  
 8 catalog or the handbook that states if you  
 9 fail two courses in the nursing program,  
 10 you're no longer eligible to continue in  
 11 that program?  
 12 A. Yes.  
 13 Q. Is there a block on that letter that tells  
 14 her her current status as of December 20,  
 15 2005?  
 16 A. There is.  
 17 Q. What is -- was her status at that time?  
 18 A. At that time, for the grade appeal it said  
 19 may not re-enter.  
 20 Q. Now, are you -- let me see it.  
 21 MR. NIX: I will offer Defendant's  
 22 Exhibit 44.  
 23 Q. We've talked already, Ms. Peterson, about a

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1 grade appeal that was processed by  
 2 Ms. Wright; is that correct?  
 3 A. Yes.  
 4 Q. She actually made two grade appeals in the  
 5 fall -- or December of 2005, and that was a  
 6 grade appeal for number 251 or NUR 251 and  
 7 a grade appeal for NUR 271; is that  
 8 correct?  
 9 A. No, it's for 252.  
 10 Q. I'm sorry. I said 251, didn't I? She did  
 11 a grade appeal for NUR 252 and then one for  
 12 271, right?  
 13 A. Yes.  
 14 Q. Do you know the outcome of those two grade  
 15 appeals?  
 16 A. Yes, I do.  
 17 Q. Can you tell us what that was?  
 18 A. The grade appeal for 252 was ruled in the  
 19 instructor's favor, and the grade appeal  
 20 for 271 was ruled in Lindy's favor.  
 21 Q. So if a grade appeal is ruled in  
 22 Ms. Wright's favor or Lindy's favor, what  
 23 does that mean?

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1 A. That means that that course did not count  
 2 as a failure and she should not receive a  
 3 failing grade for the course.  
 4 Q. Do you know the reason that NUR 271, that  
 5 the grade appeal on NUR 271 was ruled in  
 6 favor of Lindy Wright?  
 7 A. Yes.  
 8 Q. What was that reason?  
 9 A. Because I asked Dean Lowe to rule in her  
 10 favor because the instructor of record  
 11 during that time did not respond to her in  
 12 a timely manner.  
 13 Q. And that instructor was Ms. Cash; is that  
 14 correct?  
 15 A. That is correct.  
 16 Q. Is it correct to say that the reason that  
 17 grade appeal was ruled in favor of Lindy  
 18 Wright was that there was an administrative  
 19 failure on the part of the teacher to  
 20 respond timely to the request made by  
 21 Ms. Wright that the grade be reconsidered?  
 22 A. Yes.  
 23 Q. Is it correct, Ms. Peterson, to say that

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1 the merits of that grade or the merits of  
 2 what Lindy Wright earned as a grade in NUR  
 3 271 were never considered, the merits of  
 4 her performance in NUR 271?  
 5 A. Ask me that again.  
 6 Q. I'm sorry. Is it correct to say that  
 7 the -- Ms. Wright got a D in 271; is that  
 8 right?  
 9 A. (Witness nods head up and down.)  
 10 Q. And that's a failing grade, correct?  
 11 A. Yes.  
 12 Q. Is it correct to say that on the grade  
 13 appeal that Lindy Wright won that the  
 14 merits of her obtaining that grade were  
 15 never considered?  
 16 A. That's correct.  
 17 Q. It was an administrative situation, wasn't  
 18 it?  
 19 A. Yes.  
 20 Q. So that Ms. Wright could well have -- if  
 21 the merits had been considered could well  
 22 have failed out of school in December 2005;  
 23 is that right?

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1 A. That is correct.  
 2 Q. And then on 252, the merits were  
 3 considered, and the process of the grade  
 4 appeal was ruled against Ms. Wright; is  
 5 that right?  
 6 A. Correct.  
 7 Q. And therefore, that failing grade and that  
 8 course stood; is that right?  
 9 A. Correct.  
 10 Q. Now, let me show you what I've marked as  
 11 Defendant's Exhibit 45. Can you just tell  
 12 us what that is, please.  
 13 A. This is Section C of the grade appeal that  
 14 is completed by the dean of instruction.  
 15 Q. All right. And who is that?  
 16 A. James Lowe.  
 17 Q. All right. What course was that for?  
 18 A. Nursing 252.  
 19 Q. And what was the ruling on Nursing 252 as  
 20 reflected in Defendant's Exhibit 45?  
 21 A. Dean Lowe documented after reviewing the  
 22 information regarding Ms. Wright's appeal,  
 23 "I found no evidence that she received an

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1 inappropriate grade. I agree with the  
 2 grade of D that she received from  
 3 Ms. Harris."  
 4 MR. NIX: I would offer  
 5 Defendant's Exhibit 45.  
 6 Q. And would you please look at Defendant's  
 7 Exhibit 46 and tell us what that is.  
 8 A. This is Section C of the grade appeal for  
 9 Nursing 271.  
 10 Q. All right. And that grade appeal was ruled  
 11 in favor of Ms. Wright; is that correct?  
 12 A. That is correct.  
 13 Q. And is that document on the same form as  
 14 Exhibit 45?  
 15 A. Yes.  
 16 Q. And Dean Lowe signed that exhibit, too, or  
 17 signed that document?  
 18 A. He did.  
 19 Q. And was Ms. Wright's grade changed in NUR  
 20 271 from a failing grade to a passing  
 21 grade?  
 22 A. According to this.  
 23 Q. Okay.

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1 A. It's not a transcript, but according to  
 2 this.  
 3 Q. According to Exhibit 46?  
 4 A. Yes.  
 5 MR. NIX: I would offer Exhibit  
 6 46.  
 7 Q. And then -- let me do this -- well, no.  
 8 Let's do that. I've just handed you  
 9 Defendant's Exhibit 47. What is that?  
 10 A. This is an e-mail that I wrote to Heather  
 11 Chalkley who was then administrative  
 12 assistant to the dean of instruction and  
 13 copied to James Lowe, Sandra Noles and  
 14 Sanquita Alexander.  
 15 Q. In that document, what are you saying to  
 16 the person that you're addressing?  
 17 A. Letting Heather Chalkley know that Lindy  
 18 needed to register in the spring semester  
 19 for certain courses.  
 20 Q. All right.  
 21 A. And that she needed to repeat just one  
 22 course, not two.  
 23 Q. What do you mean by repeat one course?

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1 A. I'll just have to read the e-mail. Let's  
 2 see. I'm asking her to -- I'm letting her  
 3 know that Lindy is going to take Nursing  
 4 200 for 252 --  
 5 Q. All right.  
 6 A. -- in this e-mail.  
 7 Q. And you've previously described for us the  
 8 fact that Nursing 200 was modified by  
 9 Ms. Harris to contain more of the content  
 10 of Nursing 252; is that right?  
 11 A. That's correct.  
 12 Q. And Nursing 200 as modified by Ms. Harris  
 13 was substituted or -- substituted, yes, for  
 14 252 so that Ms. Wright could proceed  
 15 through the program?  
 16 A. Yes, and I'm letting her know that she was  
 17 scheduled to graduate in May 2006 if -- if  
 18 she passed everything.  
 19 Q. Okay. Now, is there a difference between a  
 20 course substitution and course forgiveness?  
 21 A. Yes.  
 22 Q. What is a course substitution?  
 23 A. A course substitution is requesting that

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1 one course content be utilized for another  
 2 course content.  
 3 Q. Okay. And tell me again why Ms. Wright had  
 4 to take 200, that course 200 in the spring  
 5 of 2006.  
 6 A. Well, she didn't have to. We offered it to  
 7 her because we were attempting to give her  
 8 an opportunity to graduate in May. But it  
 9 was a mechanism by which Ms. Harris, who  
 10 was the instructor that taught the course,  
 11 could mold the course to give her the  
 12 content that she needed.  
 13 Q. But she had to take the content over again  
 14 basically of the course she failed; is that  
 15 correct?  
 16 A. Yes, of 252, but not 271.  
 17 Q. Correct. She got a passing grade  
 18 ultimately on 271, so she did not have to  
 19 learn the content of that course over by  
 20 taking 271 again, correct?  
 21 A. Correct.  
 22 Q. But she did have to learn the content of  
 23 252 because she had a failing grade in 252,



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1 and you worked out a mechanism whereby she  
 2 could take 200 in the spring and graduate  
 3 with her class in May?  
 4 A. Yes.  
 5 Q. If you had not done that, what would she  
 6 have done about retaking the substance of  
 7 252?  
 8 A. Well, we would have had to have offered her  
 9 another course in the new curriculum to try  
 10 to mold it together.  
 11 Q. Why is it that a nursing student that fails  
 12 a particular course must take it over  
 13 again? Why is that?  
 14 A. Why does a student have to take a course  
 15 over that he or she has failed?  
 16 Q. Correct.  
 17 A. Because the policy states they have to make  
 18 a C or better.  
 19 Q. Okay. Now, let me show you -- and let me  
 20 ask you a question, Ms. Peterson. Does  
 21 Exhibit 47 explain to Heather Chalkley what  
 22 happened with respect to Ms. Wright in her  
 23 grade appeal with regard to 252?

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1 A. Yes. I went into great detail.  
 2 Q. All right.  
 3 MR. NIX: I offer Exhibit 47.  
 4 Q. And what is Exhibit 48?  
 5 MS. COOLEY: Do you have Exhibit  
 6 46?  
 7 MR. NIX: If I didn't offer 46, I  
 8 offer it now.  
 9 A. Exhibit 48 is a grade change form.  
 10 Q. All right. What is a grade change form?  
 11 A. A grade change form is changing one grade  
 12 to another grade. And so because the  
 13 appeal was ruled in Lindy's favor, then the  
 14 grade needed to be changed to reflect such.  
 15 Q. All right. If a grade change had not been  
 16 made from a D to a C in 271, what would  
 17 have happened to Ms. Wright's eligibility  
 18 to continue in school?  
 19 A. She would have been excluded after fall  
 20 semester '05.  
 21 MR. NIX: I offer Exhibit 48.  
 22 Q. Now I'll show you Exhibit 49, if you'll  
 23 tell me what that is, please.

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1 A. This is an authorization for course  
 2 substitution in spring '06 because I had to  
 3 get it approved by the dean of instruction.  
 4 Q. All right. And did the dean of instruction  
 5 sign that document?  
 6 A. He did.  
 7 Q. And does that document describe the fact  
 8 that Ms. Wright is taking 200 in the place  
 9 of 252 so that she can learn the content of  
 10 that course and get a C in it or better?  
 11 A. Well, it actually states that 252 would  
 12 substitute for -- excuse me, 200 would  
 13 substitute for 252, and it makes reference  
 14 to the statewide curriculum and that if she  
 15 were not offered this, then she would have  
 16 to take possibly more than one course  
 17 because the content was divided. It was  
 18 not ... the content was integrated is a  
 19 better word, is what I meant to say.  
 20 Q. Is it correct to say that you and Dean Lowe  
 21 and others were trying to assist Ms. Wright  
 22 by offering her 200 so that she could  
 23 graduate in May of 2006?

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1 A. Absolutely.  
 2 Q. And would Ms. Wright have graduated in May  
 3 2006 if she had passed all of her courses  
 4 in the spring of 2006?  
 5 A. Yes, I believe she had already been sent a  
 6 letter by the admissions office about  
 7 graduation, but, yes. The answer is yes.  
 8 Q. And what happened to cause Ms. Wright not  
 9 to graduate in May 2006?  
 10 A. The failure of Nursing 272.  
 11 Q. Now, when a person fails a course,  
 12 Ms. Peterson, in the nursing program there  
 13 at Chattahoochee Valley Community College  
 14 and substitutes or takes another course or  
 15 takes the same course over again and passes  
 16 it, does the taking of that course over  
 17 again or the taking of a substitution  
 18 course and the passing of the course the  
 19 second time or the passing of the  
 20 substitution course cause the failure of  
 21 the course initially to go off of that  
 22 person's record?  
 23 A. No.

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1 Q. Does the failure of Nursing 252 in the fall  
2 of 2005 even though 200 was substituted for  
3 it in the spring of 2006 and Ms. Wright  
4 passed it, does that failure of Nursing 252  
5 stay on her record and count as a failure  
6 toward -- or with respect to the policy of  
7 a nursing student failing two courses and  
8 thereby being excluded?

9 A. Yes.

10 Q. Is it correct, then, that the two courses  
11 that Ms. Wright failed that caused her to  
12 be disqualified were Nursing 252 in the  
13 fall of 2005 and Nursing 272 in the spring  
14 of 2006?

15 A. Yes.

16 Q. And is it correct -- you tell me. Why did  
17 Ms. Wright not graduate in May 2006?

18 A. Because she did not pass Nursing 272.

19 Q. And the second course also --

20 A. Right.

21 Q. She had two failures; is that right?

22 A. Nursing 272 was the second failure after  
23 the failure for 271 was removed.

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1 Q. And is that the policy of the school?

2 A. Absolutely.

3 MR. NIX: Thank you. That's all.  
4 (Deposition concluded at 5:30 p.m.  
5 EDT.)  
6  
7  
8  
9  
10  
11  
12  
13  
14

15 \*\*\*\*\*  
16 FURTHER DEPONENT SAITH NOT  
17 \*\*\*\*\*  
18  
19  
20  
21  
22  
23

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# REPORTER'S CERTIFICATE

2 STATE OF ALABAMA:

3 MONTGOMERY COUNTY:

4 I, Lisa J. Green, Registered Professional  
5 Reporter and Commissioner for the State of Alabama  
6 at Large, do hereby certify that I reported the  
7 deposition of:

8 DIXIE PETERSON

9 who was first duly sworn by me to speak the truth,  
10 the whole truth and nothing but the truth, in the  
11 matter of:

12 LINDY G. WRIGHT,

13 Plaintiff,

14 Vs.

15 CHATTAHOOCHEE VALLEY COMMUNITY  
16 COLLEGE (CVCC),

17 Et al.,

18 Defendants.

19 In The U.S. District Court

20 For the Middle District of Alabama

21 Eastern Division

22 Case Number 3:06-CV-1087-WKW

23 on Thursday, August 16, 2007.

Page 152

1 The foregoing 151 computer printed pages  
2 contain a true and correct transcript of the  
3 examination of said witness by counsel for the  
4 parties set out herein. The reading and signing of  
5 same is hereby not waived.

6 I further certify that I am neither of kin  
7 nor of counsel to the parties to said cause nor in  
8 any manner interested in the results thereof.

9 This 4th day of September 2007.  
10  
11  
12

13 \_\_\_\_\_  
14 Lisa J. Green, Registered  
15 Professional Reporter and  
16 Commissioner for the State  
17 of Alabama at Large  
18  
19  
20  
21  
22  
23

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1  
2  
3 I, Dixie Peterson, hereby certify that  
4 I have read the foregoing transcript of my  
5 deposition given on Thursday, August 16, 2007, and  
6 it is a true and correct transcript of the  
7 testimony given by me at the time and place stated  
8 with the corrections, if any, and the reasons  
9 therefor noted on a separate sheet of paper and  
10 attached hereto.  
11  
12  
13

\_\_\_\_\_  
Dixie Peterson

14  
15  
16  
17 SWORN TO AND SUBSCRIBED before me this  
18 \_\_\_\_ day of \_\_\_\_, 20\_\_.

19  
20  
21 \_\_\_\_\_  
NOTARY PUBLIC  
22  
23

**PLAINTIFF'S  
EXHIBIT**

**3**

**DEPOSITION OF SANDRA GUNNELS**

**July 24, 2007**

**Pages 1 through 241**

**PREPARED BY:**

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June 24, 2007

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 EASTERN DIVISION  
4  
5 LINDY G. WRIGHT,  
6 Plaintiff,  
7 Vs. CIVIL ACTION NO.  
3:06-CV-1087-WKW  
8 CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE (CVCC),  
9 et al.,  
10 Defendants.  
11  
12 \*\*\*\*\*  
13  
14 DEPOSITION OF SANDRA GUNNELS, taken  
15 pursuant to stipulation and agreement before Lisa  
16 J. Nix, Registered Professional Reporter and  
17 Commissioner for the State of Alabama at Large, in  
18 the Conference Room, Ramada Inn, Limited, 3560  
19 Highway 431 North, Phenix City, Alabama on Tuesday,  
20 July 24, 2007, commencing at approximately  
21 9:40 a.m. EDT.  
22  
23 \*\*\*\*\*

Page 2

1 APPEARANCES,  
2  
3 FOR THE PLAINTIFF:  
4 Mr. Peter A. Dumbuya  
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7 FOR THE DEFENDANT:  
8 Mr. H. E. Nix, Jr.  
Ms. Brandy F. Price  
9 NIX, HOLTSFORD, GILLILAND,  
HIGGINS & HITSON  
10 Attorneys at Law  
Suite 300  
11 4001 Carmichael Road  
Montgomery, AL 36106  
12  
13 ALSO PRESENT:  
14 Dr. Laurel Blackwell  
Ms. Dixie Peterson  
15  
16 \*\*\*\*\*  
17  
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3 DEFENDANT'S EXHIBIT  
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5 25 Handwritten test questions and answers 153  
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7 26 Sandra Gunnels' pediatric notes (G-1 - 153  
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12 29 Write-up documentation - Ar it D. Umoh 213  
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15 30 Composite exhibit comprised of academic 218  
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16 outlines, syllabi, student handouts  
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17 31 Copy of license for Sandra Gunnels 220  
18 32 Contact list for ADN class 221  
19 33 7/1/05 letter to Ms. Gunnels from Dr. 221  
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20 34 Subpoena to Sandra Gunnels 222  
21 35 List prepared by Sandra Gunnels re: 223  
deposition documents  
22  
23 36 Transcript of oral deposition of Sandra 232  
Gunnels

Page 4

1 STIPULATION  
2 It is hereby stipulated and agreed by and  
3 between counsel representing the parties that the  
4 deposition of SANDRA GUNNELS is taken pursuant to  
5 the Federal Rules of Civil Procedure and that said  
6 deposition may be taken before Lisa J. Nix,  
7 Registered Professional Reporter and Commissioner  
8 for the State of Alabama at Large, without the  
9 formality of a commission, that objections to  
10 questions other than objections as to the form of  
11 the question need not be made at this time but may  
12 be reserved for a ruling at such time as the said  
13 deposition may be offered in evidence or used for  
14 any other purpose by either party provided for by  
15 the Statute.  
16 It is further stipulated and agreed by and  
17 between counsel representing the parties in this  
18 case that the filing of said deposition is hereby  
19 waived and may be introduced at the trial of this  
20 case or used in any other manner by either party  
21 hereto provided for by the Statute regardless of  
22 the waiving of the filing of the same.  
23 It is further stipulated and agreed by and

June 24, 2007

Page 5

1 between the parties hereto and the witness that the  
2 signature of the witness to this deposition is  
3 hereby not waived.  
4

5 \* \* \* \* \*

6  
7 SANDRA GUNNELS

8 The witness, after having first been duly  
9 sworn to speak the truth, the whole truth and  
10 nothing but the truth testified as follows:

11 EXAMINATION

12 BY MR. NIX:

13 Q. Would you state your name, please.

14 A. Sandra Jean Wright Gunnels.

15 Q. What is your address, Ms. Gunnels?

16 A. 11107 Rambling Trail, Midland, Georgia  
17 31820.

18 Q. And what is your telephone number there, if  
19 you don't mind?

20 A. 706-565-8185.

21 Q. Did you have a work address?

22 A. Yes, I do.

23 Q. What is that address?

Page 7

1 the reasons I said, because of the medical  
2 terminology that might be utilized.

3 Q. That's fine. And I think the only  
4 requirement is that you get it back within  
5 30 days after you receive it.

6 A. All right.

7 Q. Ms. Gunnels, we're here today on a lawsuit  
8 filed by Lindy Wright. Do you know  
9 Ms. Wright?

10 A. Yes, sir, I do.

11 Q. And she has sued Chattahoochee Valley  
12 Community College, Dr. Laurel Blackwell,  
13 Ms. Dixie Peterson, and Dean James Lowe.

14 Do you know the three individuals who I  
15 have -- the names whom I stated?

16 A. Yes, sir.

17 Q. And are you familiar with Chattahoochee  
18 Valley Community College?

19 A. Yes, sir.

20 Q. You worked there, right?

21 A. Yes, sir.

22 Q. And I know that you've given a statement in  
23 this case; isn't that correct?

Page 6

1 A. I think it's 918 Manchester Expressway,  
2 Columbus, Georgia 31904.

3 Q. What's the employer?

4 A. Columbus Technical College is my full-time  
5 employment.

6 Q. And if something is sent there, should it  
7 go, like, to the nursing department or --

8 A. Associate degree nursing.

9 Q. Okay. And what is -- Do you have a phone  
10 number there?

11 A. 706-649-1167.

12 Q. Ms. Gunnels, we talked about this before we  
13 got on the record, but this deposition is  
14 being taken pursuant to the Federal Rules  
15 of Civil Procedure, and under those rules  
16 when this deposition is completed,  
17 Ms. Green can either send that deposition  
18 to you, allow you to read over it and make  
19 whatever corrections that she will indicate  
20 to you that you can make and she'll have an  
21 errata sheet with it, or if you want to,  
22 you can waive the right to read and sign.

23 A. I would prefer to read and sign simply for

Page 8

1 A. Yes, sir.

2 Q. And you gave that statement to Ms. Cooley  
3 and Mr. Dumbuya in -- I think it was  
4 November 1, 2006.

5 A. November 2006. 1st day of November, yes,  
6 sir.

7 Q. And that is a statement that was taken  
8 where? What physical location?

9 A. Ms. Cooley's law office, I believe, was  
10 where we were.

11 Q. Where is that?

12 A. Broad Street, Phenix City, Alabama.

13 Q. Were you sworn in at that deposition?

14 A. Yes, sir.

15 Q. Who was present at that deposition -- or at  
16 that sworn statement?

17 A. Would be the court reporter, Courtney  
18 Tillman Peters as I'm looking at her name,  
19 Mr. Dumbuya, Ms. Cooley, Ms. Wright. I  
20 believe that was all that were there.

21 Q. There was a break taken during the course  
22 of this statement.

23 A. Yes, sir.

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1 Q. And someone else I think, if I'm  
2 interpreting it correctly, gave a  
3 statement. Do you know who that was?  
4 A. It was a past student, and her name is  
5 Carola, but --  
6 Q. Ms. Rambo?  
7 A. Rambo. That was it, yes, sir.  
8 Q. Was she present while you were giving your  
9 statement?  
10 A. No, sir.  
11 Q. Were you present while she was giving her  
12 statement?  
13 A. No, sir.  
14 Q. Now, a minute ago, you indicated that there  
15 were some errors in the statement. Tell me  
16 what you meant by that.  
17 A. For example, spelling errors, nothing of  
18 substance. But I noticed where med-surg,  
19 which is a short term we use for  
20 medical-surgical nursing, was spelled  
21 S-U-R-G-E instead of S-U-R-G. One of the  
22 instructor's names was spelled Grouper,  
23 like the fish, and her name is Gruber,

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1 G-R-U-B-E-R. So those types of -- just  
2 spelling errors.  
3 Q. How many times have you met with either  
4 Mr. Dumbuya or Ms. Cooley or both of them  
5 about this case?  
6 A. I've only met with either one of them once  
7 about this case or any other time.  
8 Q. And was that at the time you gave this  
9 statement?  
10 A. Yes, sir.  
11 Q. Have you spoken with either of them on the  
12 telephone about the case?  
13 A. No, sir.  
14 Q. How did you know to come to give this  
15 statement?  
16 A. A federal marshal, I think it was, came to  
17 my office and --  
18 This one -- (indicating) -- or yours?  
19 I'm sorry  
20 Q. No, the one you gave in November of '06.  
21 A. Their office called and asked me would I  
22 come or did they need to subpoena me. I  
23 really don't remember. I know they called

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1 me and asked me would I come.  
2 Q. You don't know who you spoke with?  
3 A. No, sir.  
4 Q. Did you know what it was about, what the  
5 case was about when they called you?  
6 A. Yes, sir.  
7 Q. Now, you had spoken with Lindy Wright about  
8 the case; isn't that right?  
9 A. Yes, sir.  
10 Q. Now, Ms. Gunnels, this is what I'd like for  
11 you to do if you don't mind. I've just got  
12 some general questions for you.  
13 A. Okay.  
14 Q. Tell me your understanding of what this  
15 case is about.  
16 A. I only know what Lindy has told me. I  
17 don't understand all of it I'm sure.  
18 What I understand is she received a  
19 failing grade in NUR -- I believe it was  
20 272, was offered course forgiveness. That  
21 was, apparently, rescinded or whatever, and  
22 then that there was another course -- I'm  
23 sorry. 271, then 272, that she received

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1 not passing grades in both of those.  
2 Q. When you mixed those two numbers or changed  
3 them, 271 and 272, I got confused.  
4 A. 271 at that point in time -- and I know  
5 they've changed since then, and I don't  
6 know what the new numbers are. But 271 was  
7 obstetrical nursing, 272 was pediatric  
8 nursing.  
9 Q. What is your understanding about Lindy  
10 Wright's performance in either of those two  
11 courses?  
12 A. Towards the end of the quarter --  
13 semester --  
14 I'm sorry. I'm on quarter system now,  
15 so ...  
16 Q. Okay.  
17 A. Substitute semester when I say quarter.  
18 -- of obstetrical nursing, I know that  
19 she was issued --  
20 Q. Which one is that? That's 271?  
21 A. 271 would be the obstetrical nursing course  
22 that would have been due to end sometime in  
23 December of -- '04 we're talking about or

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1 '05?

2 That she was issued on at least one  
3 test, if not another, a failing grade. She  
4 had questions about some of the test  
5 questions and the answers as to how they  
6 were counted. She was allowed to look over  
7 her test paper and copy down questions and  
8 choices and --

9 Q. You're talking about 271?

10 A. Yes, sir.

11 Q. Okay. And this is -- it was, by the way,  
12 just so that we're correct on this, that  
13 course ended in '05, December '05.

14 A. Yes, sir.

15 Q. All right. And she had questions about --

16 A. Some of her test questions.

17 Q. Okay.

18 A. And she brought them to me and, actually,  
19 another obstetrical instructor that I work  
20 with and --

21 Q. Who was that?

22 A. Her name is Venius, V-E-N-I-U-S, Turner,  
23 who is an obstetrical nursing instructor at

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1 CTC.

2 We went over some of the test  
3 questions, found in the book where the  
4 answer that was graded correct was not,  
5 indeed, the correct answer and sent her  
6 back to discuss that with her instructor.

7 Q. The answer that was graded correct was not the correct answer?

8 A. Yes, sir. Would you like me to elaborate?

9 Q. She got credit for something that she got wrong?

10 A. No. She didn't get credit for something  
11 that she answered correctly according to  
12 the references we had.

13 Q. Let me ask you this. When you went over  
14 the questions on the test relative to NUR  
15 271, what were you looking at?

16 A. As I remember -- and I'd like to say that  
17 if I'd known all of this was going to be so  
18 important, I would have written down dates  
19 and times and that type of thing, but this  
20 is going back as I remember.

21 She was allowed to copy down the

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1 questions in her handwriting on a piece of  
2 paper with the four potential answers and  
3 indicated what had been counted as correct  
4 by the instructor and what she had answered  
5 and what she had -- you know, the questions  
6 that she disagreed with the answer that the  
7 instructor accepted, if that makes more  
8 sense.

9 Q. Now, when you looked at the copy that she had copied down --

10 A. Yes, sir.

11 Q. -- was it in handwriting?

12 A. Yes, sir.

13 Q. Okay. Do you recall how many pieces of paper there were?

14 A. No, sir.

15 Q. Do you recall how many questions there were?

16 A. There were what I consider quite a few, and  
17 this is a guess. Ten.

18 Q. Let me make sure I understand what you did.

19 A. Yes, sir.

20 Q. You and Ms. Turner -- both of you together;

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1 is that right?

2 A. She was in there for part of the time. I  
3 can't remember if she was there for the  
4 entire time.

5 Q. You, what? Looked at the piece of paper that Ms. Wright had --

6 A. Yes, sir.

7 Q. -- or pieces of paper that had these questions?

8 A. Yes, sir.

9 Q. From what test? Do you know? Was it more than one test or was it --

10 A. I only remember doing that twice with  
11 Lindy, one for obstetrics and one for  
12 pediatrics. I can't say that it wasn't  
13 more than once for obstetrics, but I don't  
14 believe so.

15 Q. So you remember doing it once for obstetrics?

16 A. Yes, ma'am -- Yes, sir.

17 Q. And once for pediatrics?

18 A. Yes, sir.

19 Q. When was pediatrics?



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<p>1 A. That would be the NUR 272. That was the 2 next semester. 3 Q. That would have been -- 4 A. It would run from January to May. 5 Q. Spring '06? 6 A. '06. 7 Q. So you remember doing this once for each of 8 these courses, obstetrics and pediatrics, 9 correct? 10 A. Yes, sir, at least once. I can't ... 11 Q. At least once. I guess, still, if you can 12 tell me, do you know which test or tests -- 13 A. I honestly do not. 14 Q. -- she had made notes about? 15 A. I honestly do not. I know it was in 16 conjunction with the instructor that she 17 was allowed to do this. 18 Q. In other words, the instructor allowed her 19 to do that, correct? 20 A. That is what Lindy told me, yes. 21 Q. Do you know who the instructor was? 22 A. Ms. Harris, I believe. 23 Q. Now, was Ms. Harris the instructor for both</p>	<p>1 Q. So who have you heard from that says that 2 she was not qualified to teach some of the 3 courses she was teaching? 4 A. Several students from the class of 5 2005-2006, if my years are right, who would 6 have graduated in 2006. 7 Q. You're talking about Lindy's class, then? 8 A. Lindy's class. 9 Q. I think that's right. That class was 10 subject to the '04-05 catalog and manual, 11 and I believe that class started -- June of 12 '05 was their first semester. 13 A. May of '05, yes, sir. 14 Q. Or May of '05. May or June of '05; is that 15 right? 16 A. Yes, sir. 17 Q. Tell me who these students were. 18 A. Let's see. Crystal Love, April Gunnels, 19 Lindy Wright, Ereka Hicks. 20 Q. Spell that. Ereka? 21 A. E-R-E-E-K-A, I believe, Hicks 22 Q. H-I-C-K-S? 23 A. Yes, sir. And there were several others,</p>
Page 18	Page 20
<p>1 of these courses? 2 A. I believe so, but I believe that 3 Ms. Peterson can answer that question 4 better. I would go by her information. 5 Q. Do you know Ms. Harris? 6 A. No, I do not. I've met her once. 7 Q. Okay. Do you know her to be a qualified 8 instructor? 9 A. No, I do not. 10 Q. You just don't know one way or the other? 11 A. I have heard that she was not qualified for 12 some of the subjects that she was 13 teaching. Now, this was in other 14 instructors' and students' opinions, but I 15 have no personal knowledge of her that 16 would make me say one way or the other, 17 just things I've heard. 18 Q. So you don't know or you don't have any 19 personal knowledge -- 20 A. No, sir. 21 Q. -- of her qualifications or anything like 22 that, correct? 23 A. No, sir.</p>	<p>1 but I cannot remember who exactly. 2 And then I do not remember who told me, 3 but that Ms. Harris did not have a -- just 4 excellent reputation in the community. 5 That's just things I heard from 6 different -- that there had been issues 7 with her instructing. And even I had heard 8 at one point in time she had been asked to 9 leave Southern Union, but that, like I 10 said, I'm presenting as gossip. That is 11 just I-heard-on-the-street type thing, so I 12 cannot vouch for that. 13 Q. Now, did you hear from any other persons 14 that -- let's go back to not qualified to 15 teach some of the courses she was teaching 16 at CVCC. Did you hear that from any other 17 person other than the people you've already 18 told me about: Crystal Love, April 19 Gunnels, Ereka Hicks, Lindy Wright? 20 A. There were others, but I cannot remember 21 which students. 22 Q. Were they all students? 23 A. Yes, sir, in that class.</p>

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1 Q. Did you hear that from any instructors or  
2 nursing professionals?

3 A. The only two instructors at that point in  
4 time were Ms. Harris and Ms. Gruber, I  
5 believe. And, no, I wasn't in  
6 communication with either one of those.

7 Q. So when did you hear this?

8 A. During both of those quarters. I had  
9 several students call me and ask me for  
10 clarification of information that they had  
11 received that contradicted either what  
12 their book said, or some of them I had had  
13 as students in the LPN program, that they  
14 were trying to get some correct  
15 information, some about pediatric math  
16 dosages and dosage and solutions.

17 Q. Let me ask you this.

18 A. Yes, sir.

19 Q. You say during both of the -- you said  
20 quarters again, but we know --

21 A. I'm talking about semesters.

22 Q. -- you're talking about semesters. That's  
23 fine.

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1 things that Ms. Harris was instructing them  
2 in they stated contradicted what I had  
3 taught them in pediatrics, what their books  
4 had said, and then those who had me in  
5 pediatrics for LPN, how I had taught them  
6 to do it earlier. So they were asking  
7 which methodology was correct.

8 There were some other instances, and I  
9 can't remember exactly. The pediatric math  
10 one stands out.

11 Q. So you're saying that they were studying  
12 the very same thing in NUR 272 that you  
13 taught them in LPN school?

14 A. And also in pharmacology, certain things.  
15 I taught -- This group, I taught their  
16 pharmacology class and so had taught them  
17 to do math problems in a specific manner,  
18 and this contradicted what I had taught  
19 them earlier.

20 Q. Now, Lindy Wright was one of your students,  
21 correct?

22 A. Yes, sir.

23 Q. You taught her in LPN school?

Page 22

1 A. Yes, sir.

2 Q. So we're talking about the fall semester of  
3 '05 and the spring semester of '06?

4 A. Yes, sir.

5 Q. Okay. So who were those students that  
6 called you?

7 A. It was among those names that I've given  
8 you, and then other instructors -- I mean  
9 other students.

10 Q. Okay.

11 A. Like I said, if I had known that I was  
12 going to be asked this, I would have  
13 written down and kept names and times, but  
14 I didn't realize --

15 Q. I'm just asking for your recollection.

16 A. To my recollection, I can't tell you  
17 exactly who.

18 Q. So they called you and they were doing  
19 what, now? They were asking you questions  
20 about what?

21 A. One incident that comes to mind is during  
22 pediatric dosage and solution -- that would  
23 have been NUR 272 -- that some of the

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1 A. Yes, sir.

2 Q. You taught her in the summer of 2005,  
3 correct?

4 A. Not the -- Yes, summer of 2005.

5 Q. Did she know how to do computations and  
6 calculations relative to dosages of  
7 medication?

8 A. Yes, sir.

9 Q. When you taught her, did she know that?

10 A. Yes, sir.

11 Q. So you would talk to these students and  
12 give them answers?

13 A. Primarily, for example, with the  
14 computation, I remember telling them that  
15 even though that contradicted how I had  
16 taught them and -- what I knew was that  
17 Ms. Harris was teaching the class and that  
18 they needed to, obviously, do it the way  
19 she had taught them if they wanted to be  
20 successful in the class.

21 Q. Apparently, they told you then how she was  
22 teaching them to make these calculations.

23 A. Yes, sir.

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1 Q. Is that right?  
2 A. Yes, sir.  
3 Q. And so do you recall the way -- Do you  
4 recall whether the way she was teaching it  
5 would allow the students to arrive at a  
6 correct result?  
7 A. Based on what they told me -- and they  
8 called me with several math problems and  
9 asked me how I would figure them out. What  
10 they reported to me that Ms. Harris was  
11 telling them, you know, would kind of go  
12 off there -- was incorrect, and it had to  
13 do with how you rounded in pediatric  
14 dosages.  
15 Q. Now, would you agree with me that  
16 instructors and professors are present in  
17 the class to teach and instruct because  
18 they have qualifications to do that and  
19 that students are there to learn and obtain  
20 information so that they can take their  
21 tests and otherwise learn the various  
22 courses they have to --  
23 A. As a general statement, yes, I would agree

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1 with that.  
2 Q. And isn't it correct -- You've been an  
3 instructor; isn't that right?  
4 A. Yes, sir.  
5 Q. You're an instructor now at Columbus Tech,  
6 correct?  
7 A. Yes, sir.  
8 Q. Do you ever have students that get  
9 confused?  
10 A. Oh, yes, sir.  
11 Q. Do you ever have students that hear you  
12 incorrectly?  
13 A. Occasionally, yes.  
14 Q. I mean, isn't it correct that students do  
15 that? I mean, sometimes they hear the  
16 instructor incorrectly or they even read  
17 the book incorrectly in terms of what's  
18 actually present in the book in terms of  
19 the course?  
20 A. As a general rule, just a general  
21 statement, yes --  
22 Q. Right.  
23 A. -- that can happen.

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1 Q. Sure. And when you talked to these  
2 students, you told them, do what Ms. Harris  
3 says do because she's the instructor,  
4 right?  
5 A. Yes, sir.  
6 Q. Now, let's go back to -- let me pursue one  
7 other thing. You said something about her  
8 reputation.  
9 A. Uh-huh. (Positive response.)  
10 Q. What were you talking about there?  
11 A. Just in general, because Columbus is a  
12 small -- Columbus, Phenix City, Opelika is  
13 a small-knit nursing community, I had heard  
14 that she had gone over there. And I had  
15 just been told there had -- she had had  
16 issues before in some of her teachings, and  
17 it was just general ...  
18 Q. She had had issues -- when you say she'd  
19 gone over there, do you mean --  
20 A. To CVCC from Southern Union.  
21 Q. And you heard from somebody that she had  
22 had issues --  
23 A. Yes, sir.

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1 Q. -- in her instruction --  
2 A. Yes, sir.  
3 Q. -- at Southern Union?  
4 A. Yes, sir.  
5 Q. Who told you that?  
6 A. I cannot remember, but more than one. I  
7 honestly cannot remember.  
8 Q. Student?  
9 A. Oh, no, sir.  
10 Q. It was an adult who was a professor or a  
11 nurse? What type of person --  
12 A. I know one was up at The Medical Center on  
13 pediatrics. It was a general remark, and I  
14 cannot remember who made it or who was  
15 present.  
16 Q. When you say The Medical Center, what are  
17 you talking about?  
18 A. The Medical Center hospital.  
19 Q. Is that -- Okay. A facility in Columbus?  
20 A. In Columbus, yes, sir.  
21 Q. All right.  
22 A. And some other instructor had told me that,  
23 and I honestly do not remember who.

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<p style="text-align: right;">Page 29</p> <p>1 Q. What you're really doing is responding by 2 giving me rumor? 3 A. Yes, sir, and I presented it as rumor, 4 gossip. 5 Q. Right. You did. I know you did. 6 And the first question that I really 7 asked you when we started this was, can you 8 state whether or not Lynn Harris is a 9 qualified and good instructor or something 10 to that effect, and your answer was, no, I 11 can't, right? 12 A. Right. 13 Q. And therefore, the reason you can't is the 14 things that you've told me? 15 A. Well, and, also, I've never seen her 16 resume. I've never been present in her 17 classroom. 18 Q. And what I want to make sure I understand, 19 Ms. Gunnels, is that you're not saying 20 she's unqualified. You're just saying you 21 don't know? 22 A. I'm saying I'm not in a position to judge. 23 Q. Very good. Now --</p>	<p style="text-align: right;">Page 31</p> <p>1 during 271 and once during 272. 2 Q. Did you keep a copy of those papers -- 3 A. No, sir. 4 Q. -- the things that she had copied down? 5 A. No, sir. 6 Q. Did you know she's produced those papers? 7 A. No, sir. I haven't asked her. 8 Q. Now, when you met with her -- I assume you 9 met with her and she let you see the paper, 10 or did she tell you what the questions 11 were? 12 A. Do you mean when I met with her in my 13 office when she -- she brought paper with 14 her and said this was one of the 15 questions. This is what I thought was the 16 answer, you know, from here in my book. 17 This is what was counted as the correct 18 answer, and my answer was counted 19 incorrectly. 20 We went through some of the references 21 that I had and found where in most cases -- 22 not all of them -- Lindy's answer was what 23 the references -- the books I had said were</p>
<p style="text-align: right;">Page 30</p> <p>1 A. What I have presented to you is what I have 2 been told, what I have heard. I've not 3 experienced any of that firsthand except 4 for the questions that Lindy brought me 5 that were obviously incorrect and the 6 students who called me with math problems 7 that were incorrect. 8 Q. If they were correct. 9 A. If they were correct. 10 Q. And the paperwork that Lindy brought you 11 are the questions that she copied down, and 12 you say she also copied down the answers? 13 A. Choices of answers, yes, sir. 14 Q. And she copied down what her answer was 15 that had been marked incorrect? 16 A. Correct. 17 Q. And these were all questions that had been 18 marked incorrect on a test? 19 A. Yes, sir. I mean, that's how it was 20 presented to me, yes, sir. 21 Q. Was this in December of 2005? Was it in 22 May 2006? 23 A. I cannot tell you the months. I know once</p>	<p style="text-align: right;">Page 32</p> <p>1 correct. 2 Q. But in terms -- Let's talk about 271. 3 A. Okay. 4 Q. That course was offered in the fall of 5 2005. 6 A. Yes, sir. 7 Q. Did she come to you at the end of that 8 course or in the middle of that course? Do 9 you know when that was in the fall? 10 A. I honestly do not remember. 11 Q. Do you know whether she had been allowed to 12 look at the final exam in that course? 13 A. Do you mean before the fact or -- 14 Q. No. 15 A. -- after the fact? 16 Q. I mean after the fact, do you know whether 17 or not these questions she copied down were 18 from her final exam or were they from 19 another test? 20 A. I cannot remember. 21 Q. Now, when y'all met and talked, did she 22 tell you what the question was and here is 23 what I answered and it was marked wrong, or</p>



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1 did you actually take the piece of paper,  
2 read the question and the options, see what  
3 she had marked down and then respond to  
4 whether or not it was right or wrong?

5 A. I looked at the question, the responses she  
6 had written down as possible responses, and  
7 what she had answered and had been counted  
8 incorrectly.

9 Q. Now, I maybe wrong about this, but my  
10 recollection when I talked to her in her  
11 deposition -- when I asked her about these  
12 questions, she said that she had been told  
13 by you and Ms. Turner that her answer was  
14 as correct as the answer that the teacher  
15 or the instructor had selected as the  
16 correct answer instead of your answer is  
17 right and the answer the teacher selected  
18 is wrong

19 A. And that was true of some of the questions,  
20 but some of them, as I remember, it was an  
21 incorrect answer that the instructor of  
22 that course was counting correct. I'd say  
23 there was a mixture of them. And if I'm

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1 had not been given for it.

2 Q. And when you say 70 to 80 percent, do you  
3 mean 70 to 80 percent she had answered  
4 correctly and there was no other correct  
5 answer, or the instructor had chosen as the  
6 correct answer for that question an  
7 incorrect answer?

8 Does that make sense? Because we  
9 talked about --

10 A. Could you repeat that?

11 Q. Yeah. We talked about a situation where  
12 her answer -- she told me her answer was as  
13 good as the instructor's answer.

14 A. It was as good as or more correct.

15 Q. All right. In 70 to 80 percent of the  
16 situations?

17 A. Of the questions that she showed me.

18 Q. As opposed to her answer was definitely  
19 correct and the instructor's answer was  
20 definitely wrong?

21 A. As I remember, there were some where the  
22 instructor's answer in my opinion was  
23 definitely wrong, and that was one of the

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1 not mistaken, there were one or two that I  
2 said, you know, I can see why she chose  
3 this one, you know, as being the more  
4 correct, but --

5 Q. Now, you say there were about 10.

6 A. As I remember.

7 Q. Is that 10 per course, 271 and 272, or 10  
8 total for both courses?

9 A. I do not remember. If you have copies of  
10 them, you know, I could look at it and  
11 refresh my memory.

12 Q. I'll let you see it in a minute.

13 A. I remember it happening twice.

14 Q. I want to see what your memory is first.  
15 Do you know whether if on these few  
16 questions -- how many do you think -- let's  
17 say there were 10. How many out of 10 do  
18 you think she got right that were marked  
19 wrong?

20 A. Not knowing how many questions for sure, I  
21 would say 70 to 80 percent of those she  
22 showed me in my opinion and the references  
23 I had, she had a correct answer and credit

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1 reasons why I had called Ms. Turner in to  
2 look at it and to see if she concurred with  
3 me. And we got books out at least on one  
4 occasion and marked where it contradicted  
5 what Ms. Harris had said was the correct  
6 answer and supported what Lindy said was  
7 the correct answer.

8 Q. On one occasion or one question?

9 A. On one occasion.

10 Q. Let's talk about the 10 -- let's assume 10  
11 or -- do your percentage if you want to.  
12 That's fine.

13 Give me the percentage that you recall  
14 were right as answered by Lindy and wrong  
15 as answered by the instructor or as --  
16 wrong as selected, the answer selected by  
17 the instructor.

18 A. And, again, going on memory, if I'm forced  
19 to pick a percentage which I'm  
20 uncomfortable with doing --

21 Q. I want you to give a judgment if you can.  
22 If you cannot give a judgment, that's  
23 fine. If you --

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<p style="text-align: right;">Page 37</p> <p>1 A. I would prefer making a judgment after I 2 saw the questions I was asked to look at. 3 Q. You cannot give a judgment at this time? 4 A. I can give you a guess. 5 Q. Well, is the 70 to 80 percent a guess when 6 you gave me that? 7 A. I'd say an educated guess, but a guess 8 without looking at the questions and going 9 through them. 10 Q. Okay. 11 A. Once I go through them, I could give you a 12 definite number. 13 Q. Okay. 14 A. And, again, I had reference books at my 15 disposal at that time, too, when I was 16 looking at those questions and going 17 through. 18 Q. I'm going to show you Exhibit 10 to 19 Ms. Wright's deposition. And I will tell 20 you that the pages -- I think I can show 21 you the pages that relate to what she wrote 22 down. 23 A. Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 looked at, at 10-A, B, C, and D. 2 A. Well, my handwriting is on here, so ... 3 Actually, these are ones I didn't 4 remember looking at because these are not 5 obstetrical or pediatric questions. These 6 appear to be med-surg. 7 Q. Med-surg questions? 8 A. Uh-huh. (Positive response.) 9 Q. What course would that have belonged to? 10 A. You would have to ask Ms. Peterson or 11 Dr. Blackwell as far as what the course 12 number was, but when I -- 13 Q. But your writing is on there? 14 A. Yes, sir. 15 Q. Would you do this. Would you take this 16 highlighter, and everywhere you see your 17 writing highlight it. 18 A. Okay. Apparently, I also showed it to my 19 med-surg instructor peers also. 20 (Brief interruption.) 21 A. I also showed these to three of my med-surg 22 instructor peers also. 23 What if I think that could be my</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. I mean, this is a group of documents that 2 she produced pursuant to a subpoena, very 3 much like the one you got. Okay? 4 A. Okay. 5 Q. But I did specifically ask her about them. 6 I'm going to put it like this. Okay? I'm 7 pretty sure that's all of them. 8 What is that? That's not a test, is 9 it? 10 A. I would say not, but I've never seen that 11 before, so ... 12 Q. That wasn't one of the things she showed 13 you? 14 A. No. 15 Q. I've put these crossways as the ones that 16 she identified for me were her notes. 17 Let's see. It is -- and I marked them on 18 the bottom right-hand corner as Defendant's 19 10-A, B, C, and D. 20 A. Those were the test questions that she 21 brought? 22 Q. Yeah. But I'll give you that whole packet 23 just in case and tell me if that's what you</p>	<p style="text-align: right;">Page 40</p> <p>1 writing but I'm not positive because it's 2 written sideways? 3 Q. I don't know. I mean, if you know it's 4 your writing, mark it. 5 A. Okay. The ones that I'm positive are my 6 handwriting I have indicated in yellow, and 7 I believe I counted a total of 16 8 questions. 9 Q. And are all of those med-surg questions? 10 A. There's one that -- I was trying to look at 11 some of them. One looks like a pediatric 12 question but could have been utilized as a 13 med-surg question. Some of them could go 14 either way, so I cannot -- but a lot of 15 them are definitely not basic pediatric 16 questions and are not -- 17 (Brief interruption.) 18 Q. You've marked in yellow -- 19 A. Those things that I can positively identify 20 as my handwriting. 21 MR. NIX: Lisa, you can color copy 22 these, can't you? 23 COURT REPORTER: Yes.</p>

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- 1 Q. Do you know Lindy's handwriting?
- 2 A. Oh, I'm sorry.
- 3 Q. Do you want to look through those and see
- 4 if there's any other stuff that she may
- 5 have copied?
- 6 A. Do you mean questions that she would have
- 7 copied or something from me or --
- 8 Q. Anything that you went over with her, any
- 9 questions from tests --
- 10 A. Just questions?
- 11 Q. Questions from tests or whatever, questions
- 12 from tests and answers where you were
- 13 trying to determine for her whether she got
- 14 it right or wrong.
- 15 A. No, sir, none of those others are test
- 16 questions.
- 17 Q. Do you see any other paperwork in there
- 18 that you recognize?
- 19 A. Yes, sir. That's why I had to ask that.
- 20 Q. Show me that.
- 21 A. I gave her some of my old notes and
- 22 handouts. Not that, but ...
- 23 Q. These are yours?

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- 1 A. No, those are yours. I'm putting clips on
- 2 mine.
- 3 Q. This is not something you gave her or --
- 4 A. No, sir.
- 5 Q. You didn't talk to her about it?
- 6 A. Not to my ...
- 7 Q. And you're putting clips on the ones that
- 8 you --
- 9 A. The ones that came from me, yes, sir.
- 10 Q. All right.
- 11 A. I see forms that were mine that, obviously,
- 12 the college continued utilizing for
- 13 courses, but I didn't have anything to do
- 14 with filling them out or anything.
- 15 (Brief interruption.)
- 16 A. That was also yours. It was in this
- 17 group. And then the two sets of papers
- 18 with the clips on them are pediatric notes
- 19 that I'm assuming Lindy got from me. I
- 20 know I gave her some, but I don't know that
- 21 someone at the college didn't utilize my
- 22 notes and pass them out, too. But I do
- 23 know I gave Lindy some pediatric notes.

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- 1 Q. And the notes that you clipped are your
- 2 notes?
- 3 A. Yes, sir, my lecture notes. I recognize
- 4 them partially because of the little
- 5 pictures, but then also -- as what I had
- 6 used in the past.
- 7 Q. Two groups?
- 8 A. Yes, sir, that was it. They just had
- 9 something sticking in between the two
- 10 groups.
- 11 Q. Do these notes, these two groups of notes
- 12 go together?
- 13 A. I am assuming they do, but I didn't check
- 14 for that. I just recognized --
- 15 Q. Can you put them together if they do go
- 16 together?
- 17 A. I will try, because this is several
- 18 chapters of ... these actually go right in
- 19 here.
- 20 Q. Put them where they belong.
- 21 A. Okay.
- 22 Q. Now, I'm holding in my hand the rest of
- 23 Exhibit 10. I've held out 10-A, B, C, and

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- 1 D, and then you're giving me your pediatric
- 2 notes that you gave Lindy?
- 3 A. Yes, sir. I'm assuming these are the ones
- 4 that I gave her.
- 5 Q. Okay.
- 6 A. I don't know that someone didn't utilize my
- 7 notes and pass them out, but these are my
- 8 notes.
- 9 Q. All right. And the other part that I have
- 10 in my hand here -- the rest of Exhibit 10
- 11 other than 10-A, B, C, and D and your
- 12 pediatric notes, have you ever seen any of
- 13 these documents that I have in my hand here
- 14 that Lindy produced?
- 15 A. I'll look back through those. It's a lot
- 16 when you're going through them the first
- 17 time.
- 18 Now, I have seen blanks of this. I've
- 19 not seen this filled out, grade appeal
- 20 form.
- 21 Q. You've never seen the filled-out one that's
- 22 in Exhibit 10?
- 23 A. Not to my knowledge, no, sir.

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<p>1 I did see one nursing care plan grading</p> <p>2 form, but I cannot attest to it was this</p> <p>3 one. I just know that I did see one that</p> <p>4 was filled out, but I don't know if it was</p> <p>5 that one or not.</p> <p>6 Q. If you can identify one, please do. And if</p> <p>7 you cannot, just don't say anything about</p> <p>8 it.</p> <p>9 A. Yes, sir.</p> <p>10 To my knowledge, I've never seen any of</p> <p>11 these other forms. I'm sorry. That goes</p> <p>12 in there.</p> <p>13 Q. It does?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Where?</p> <p>16 A. Just at the back. It was just a list of</p> <p>17 commonly-used abbreviations.</p> <p>18 Q. I'm going to give you back these pediatric</p> <p>19 notes that you gave me because I have</p> <p>20 hopefully put numbers -- the letter G and</p> <p>21 then a number on each page consecutively,</p> <p>22 G-1 through G-22. I would just like for</p> <p>23 you to verify for me that I have done</p>	<p>1 believe, LPN ..</p> <p>2 Q. Now, which course was this from, these</p> <p>3 notes, G-1 through G-22?</p> <p>4 A. Those would have been notes that I utilized</p> <p>5 in NUR 272 the year before when I had</p> <p>6 taught that to the RN students.</p> <p>7 MR. DUMBUYA: If I understand it</p> <p>8 correctly, you taught the same</p> <p>9 course with different numbers?</p> <p>10 THE WITNESS: No. NUR 272 I</p> <p>11 taught for I want to say two</p> <p>12 years, but I'm not positive,</p> <p>13 for CVCC, but then the LPN's</p> <p>14 also had pediatrics.</p> <p>15 MR. NIX: Just for order, if you</p> <p>16 don't mind, Peter, could you</p> <p>17 wait until the end and then</p> <p>18 you can ask her whatever you</p> <p>19 need to ask her.</p> <p>20 MR. DUMBUYA: You were</p> <p>21 interrupting and said</p> <p>22 something.</p> <p>23 MR. NIX: Im sorry?</p>
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<p>1 that --</p> <p>2 A. Okay.</p> <p>3 Q. -- and that I've gotten all the pages, and</p> <p>4 that all of the pages I've put a G-1, G-2,</p> <p>5 G-3 all the way through G-22 are all your</p> <p>6 notes and that I've marked them all</p> <p>7 correctly with a G and a number.</p> <p>8 A. Those are mine, and they're numbered G-1</p> <p>9 through G-22.</p> <p>10 Q. These are pediatric notes from your</p> <p>11 lectures on pediatrics which would have</p> <p>12 been --</p> <p>13 Did you teach pediatrics at --</p> <p>14 A. No, sir. Let me let you finish the</p> <p>15 question. I'm sorry.</p> <p>16 Q. Did you teach pediatrics at CVCC?</p> <p>17 A. Yes, sir.</p> <p>18 Q. You did?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall the number of pediatrics --</p> <p>21 the course number?</p> <p>22 A. NUR 272 for the ADN students, and then I</p> <p>23 also taught the LPN students MCN 124, I</p>	<p>1 MR. DUMBUYA: You were</p> <p>2 interrupting and said</p> <p>3 something when we took the</p> <p>4 deposition of Dr. Blackwell.</p> <p>5 MR. NIX: I interrupted and</p> <p>6 objected --</p> <p>7 MR. DUMBUYA: No, you interrupted</p> <p>8 and said something, asking for</p> <p>9 clarification.</p> <p>10 MR. NIX: I asked you for</p> <p>11 clarification. I asked</p> <p>12 Jennifer for clarification,</p> <p>13 depending on who was asking</p> <p>14 the questions. But I didn't</p> <p>15 address the witness and ask</p> <p>16 questions of the witness which</p> <p>17 is what I'm referring to.</p> <p>18 If you don't mind, I</p> <p>19 would appreciate your not</p> <p>20 asking questions of the</p> <p>21 witness until I'm concluded or</p> <p>22 finished. Okay?</p> <p>23 MR. DUMBUYA: Okay.</p>



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1 MR. NIX: Thankyou.  
 2 MR. DUMBUYA: I hope you don't do  
 3 the same thing next time.  
 4 MR. NIX: Well, I've got to ask  
 5 clarification of you if you're  
 6 asking a question that needs  
 7 to be clarified or of Jennifer  
 8 if she's asking one that needs  
 9 to be clarified.  
 10 But I will not address  
 11 the witness until it's my turn  
 12 to ask questions, and that's  
 13 what I would hope you would do  
 14 and Jennifer would do as well.  
 15 Q. Ms. Gunnels, you indicated initially or  
 16 when you looked at Exhibit 10-A, B, C, and  
 17 D that you did not remember looking at  
 18 those; is that correct?  
 19 A. Not these specific questions. As I said, I  
 20 knew Lindy had come by a couple of times  
 21 with questions. I remember them being OB  
 22 and pediatric questions; obviously, at  
 23 least once there were medical-surgical type

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1 questions. So that's what I was saying.  
 2 You know, as I told you, I remembered  
 3 her coming by. I remembered pieces of  
 4 paper, going through reference books,  
 5 finding answers, that type of thing.  
 6 Q. And you're certain that those other  
 7 documents you looked at with Lindy were  
 8 test questions --  
 9 A. Right.  
 10 Q. -- and answers that had been given and  
 11 other choices for answers that were  
 12 possible?  
 13 A. As I said, I remembered looking at  
 14 questions. I remembered them being  
 15 pediatric and obstetrical questions.  
 16 Q. Okay.  
 17 A. I cannot -- I know she came back -- by  
 18 twice with questions, and both times it was  
 19 with the instructor's permission that she  
 20 had copied down questions and answers and  
 21 was asking for clarification.  
 22 Q. From tests?  
 23 A. Uh-huh. (Positive response.)

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1 Q. Is that yes?  
 2 A. Yes, sir.  
 3 Q. Therefore, those courses would have been  
 4 27 -- NUR 271, which is obstetrics,  
 5 correct?  
 6 A. Uh-huh. (Positive response.)  
 7 Q. Yes?  
 8 A. Yes, sir.  
 9 Q. And NUR 272, which is pediatrics, correct?  
 10 A. As I said, I remembered questions from both  
 11 of those courses, but it might have been  
 12 med-surg once --  
 13 Q. I'm sorry?  
 14 A. It may have been merely med-surg, one of  
 15 those.  
 16 Q. Well, I guess what I'm trying to  
 17 distinguish is whether you simply discussed  
 18 with her those courses and questions that  
 19 she had about them -- and I'm talking about  
 20 NUR 271 obstetrics, and NUR 272  
 21 pediatrics -- or whether she actually  
 22 copied down questions from tests that she  
 23 had taken and gotten wrong and went over

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1 them with you as opposed to going over with  
 2 you Exhibit 10-A, B, C, and D, which appear  
 3 to be questions from another course other  
 4 than 271 and 272.  
 5 A. Could you repeat that so I make sure I  
 6 understand? I want to answer correctly.  
 7 Q. I'll be glad to. Sure.  
 8 How many times do you think you met  
 9 with Lindy over the course of her tenure at  
 10 CVCC in the RN program or the ADN  
 11 program --  
 12 Is that what it is? ADN?  
 13 A. ADN, yes, sir.  
 14 Q. Between the time you left CVCC, which I  
 15 believe was on or around August 31, 2005,  
 16 and the time she finished her last course  
 17 at CVCC, which was in May 2006, how many  
 18 times do you think you met with her about  
 19 nursing school?  
 20 A. Two or three times. That's as close as I  
 21 can get.  
 22 Q. In that period of time --  
 23 A. Yes, sir.

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<p>1 Q. -- that I just stated to you?</p> <p>2 A. Uh-huh. (Positive response.)</p> <p>3 Q. Yes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Now, was each of those times, times when</p> <p>6 you went over with Lindy certain questions,</p> <p>7 issues, points or subject matter of the</p> <p>8 courses that she was taking at CVCC in the</p> <p>9 ADN program?</p> <p>10 A. At least once, if not twice, was going over</p> <p>11 questions. Once, for example, when I gave</p> <p>12 her some notes from when I had taught</p> <p>13 pediatrics was that -- she was looking for</p> <p>14 study aids to help her with her pediatrics</p> <p>15 or in addition to what she had received</p> <p>16 during the class in pediatrics.</p> <p>17 Q. All right. I apologize to you. That got</p> <p>18 through my head without sticking.</p> <p>19 A. Okay.</p> <p>20 Q. Once or twice --</p> <p>21 A. At least once or twice with questions,</p> <p>22 going over test questions.</p> <p>23 Q. Okay. And then another time --</p>	<p>1 would you have any reason to disagree with</p> <p>2 her about that?</p> <p>3 A. No, sir. I would defer to her. I do know</p> <p>4 we discussed OB and peds questions, but I</p> <p>5 don't -- I cannot swear she brought me</p> <p>6 written OB and peds questions. I</p> <p>7 remembered written questions, but ...</p> <p>8 Q. Now, this is another question I'd like to</p> <p>9 ask. With respect to any test questions</p> <p>10 that she may have in your opinion gotten</p> <p>11 right or that she may have -- let's do</p> <p>12 this. Let's do it this way. Let me break</p> <p>13 it down if you don't mind.</p> <p>14 A. Okay.</p> <p>15 Q. With respect to any test questions that you</p> <p>16 went over with her that in your opinion she</p> <p>17 was right on but was marked wrong on and</p> <p>18 the instructor's answer was clearly wrong</p> <p>19 as opposed to being equally as good as</p> <p>20 Lindy's, okay --</p> <p>21 A. Okay.</p> <p>22 Q. -- answer, on those questions, if you take</p> <p>23 just those, can you tell me whether or not</p>
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<p>1 A. At least one other time.</p> <p>2 Q. -- where she was looking for study aids?</p> <p>3 A. Right. Yes, sir.</p> <p>4 Q. And that's when you gave her the pediatric</p> <p>5 notes, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right. This is the question I have.</p> <p>8 A. Okay.</p> <p>9 Q. Well, you said at least one or two times</p> <p>10 going over test questions.</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is it possible that these are the only test</p> <p>13 questions you went over with her, the 10-A,</p> <p>14 B, C, and D and that the other times you</p> <p>15 talked to her, you were talking to her</p> <p>16 about questions she had about the subject?</p> <p>17 A. It is possible.</p> <p>18 Q. It's been a good while, hasn't it?</p> <p>19 A. Well, from -- this would have been November</p> <p>20 of 2005 to April or May of 2006.</p> <p>21 Q. Now, if Lindy testified that those are the</p> <p>22 only documents that reflect questions she</p> <p>23 copied from tests that she'd gotten wrong,</p>	<p>1 if she had been given credit for those</p> <p>2 questions it would have changed her grade</p> <p>3 in the course that those questions related</p> <p>4 to?</p> <p>5 A. No, sir, I could not say that without</p> <p>6 having the test in front of me and all of</p> <p>7 her possible points for that course.</p> <p>8 Q. And then the other question is, if you take</p> <p>9 just the questions that you went over with</p> <p>10 her where she had given an answer that in</p> <p>11 your opinion was just as good as the answer</p> <p>12 chosen by the instructor as the correct</p> <p>13 answer but it was marked wrong on her</p> <p>14 paper, first of all, as an instructor,</p> <p>15 would you give a student credit for that</p> <p>16 answer if it was not the answer taught in</p> <p>17 the course?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Why would you do that?</p> <p>20 A. I can explain to you how we do it at CTC.</p> <p>21 Q. Let me ask you this first.</p> <p>22 A. Okay.</p> <p>23 Q. Is that a discretionary call typically by</p>

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1 the instructor as to whether an instructor  
2 is willing to give a student credit for an  
3 answer that could be correct but is not the  
4 answer chosen by the instructor? Is that a  
5 matter of discretion on the instructor's  
6 part?  
7 A. No, that's not a good test question. If  
8 you have two equally correct answers, then  
9 you would give credit for both equally  
10 correct answers.  
11 Q. Well, if you have -- isn't it correct,  
12 Ms. Gunnels, that in this field, in the RN  
13 field, that there are issues that remain  
14 controversial and where two or more  
15 reasonable and conscientious professionals  
16 could have a difference of opinion as to  
17 the correct answer?  
18 A. In a general sense, I'm sure as with any  
19 profession, yes.  
20 Q. But it's certainly true, isn't it, of the  
21 nursing profession and the subjects taught  
22 relative to a registered nursing course?  
23 A. I can't say that's any more true than any

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1 other professional field.  
2 Q. Well, it's true, then, is what you're  
3 saying, but it's not more true than for  
4 doctors or more true --  
5 A. True.  
6 Q. Is that what you're saying?  
7 A. As you're stating it, true.  
8 Q. And so my question is, if an instructor  
9 taught a particular answer to a question  
10 and the student gave another answer that in  
11 your opinion could have been the right  
12 answer but was not taught in the course,  
13 wouldn't that be discretionary as to  
14 whether the instructor gave credit for that  
15 answer?  
16 A. To be able to say that, I would have to see  
17 the syllabus. I would have to see the  
18 handouts that were given out.  
19 Q. Well, I'm asking you to assume a  
20 hypothetical. Okay? I'm not asking you to  
21 agree that that was the case. Okay? I'm  
22 asking you to assume a hypothetical.  
23 And I'm asking you to assume that an

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1 instructor asked a test question that the  
2 instructor had taught a specific answer to  
3 that question or had taught a specific  
4 thing relative to that issue and the  
5 student gave an answer that in your opinion  
6 could be as correct as the instructor's  
7 answer. I'm asking you to assume that.  
8 A. Uh-huh. (Positive response.)  
9 Q. Wouldn't it be discretionary with the  
10 instructor as to whether to give the  
11 student a correct answer or to not mark it  
12 wrong if the student gave an answer that  
13 was not taught in the class by the  
14 instructor?  
15 A. If I followed you all the way through  
16 correctly --  
17 Q. Yes, it was long.  
18 A. -- I would answer no.  
19 Q. Why not?  
20 A. If the student could produce evidence in  
21 textbook, notes, et cetera that the  
22 instructor had provided that said this was  
23 an equally correct answer, then my practice

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1 has been and what I'm accustomed to in  
2 academia is that credit is given for both.  
3 Q. That's your practice.  
4 A. Yes, sir.  
5 Q. But that is not everybody's practice, is  
6 it?  
7 A. As I had begun to say, for example, at  
8 Columbus Technical College, we run our  
9 Scantrons -- we have a little more  
10 sophisticated system than they had at CVCC  
11 when I was there. And it tells us what  
12 percentage of questions were answered  
13 correctly, incorrectly.  
14 And any question that there's not a  
15 majority that have, you know, answered it  
16 correctly, a panel of two or three  
17 instructors go over the test, we go through  
18 notes, we go through the books and make a  
19 decision as to whether we will accept  
20 another answer. And frequently -- I won't  
21 say frequently, but often it is determined  
22 that two answers are equally correct and  
23 appropriate.

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1 Q. Would you impose the Columbus Tech  
2 procedure on CVCC?  
3 A. Well, I had the same procedure myself when  
4 I was at CV in that I would go through my  
5 tests, and if the majority missed it or if  
6 someone -- I gave them an opportunity. We  
7 went over tests. If someone challenged it  
8 and could give me rationale and data as to  
9 why that question should be counted  
10 correctly, I considered it and most often  
11 gave credit if they could prove and provide  
12 me with rationale.  
13 Q. I'm not asking you what you do.  
14 A. That's the only way I can answer because  
15 that would be based on my --  
16 Q. Would you impose Columbus Tech's policies  
17 and procedures on CVCC?  
18 A. In that general question --  
19 Q. Would you impose and require them?  
20 A. -- in solitary questioning that, no.  
21 Q. You don't put yourself above, do you, the  
22 Alabama Board of Education, the State Board  
23 of Education?

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1 MR. DUMBUYA: I would object to  
2 the form of that question.  
3 Q. I'm just asking you. Do you consider  
4 yourself a higher authority than the State  
5 Board of Education in Alabama in terms of a  
6 nursing program and how it should be run?  
7 MR. DUMBUYA: Again, you know, I  
8 would object to the form of  
9 the question.  
10 A. And I would have to ask that as it depends  
11 or what point we were speaking of, because  
12 I frequently disagree with boards of  
13 authority on certain points.  
14 Q. And do you consider yourself a higher  
15 authority with regard to how a nursing  
16 program should be run and operated than  
17 Dixie Peterson, who is the chair of the  
18 nursing program at CVCC?  
19 A. I've never been a chair, so I cannot say  
20 that I do, no.  
21 Q. Now, in terms --  
22 A. I don't want to be one.  
23 Q. In terms of the notes that are taken there,

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1 10-A, B, C, and D, I know that you've  
2 looked at them. Do you know whether or not  
3 Ms. Wright accurately and correctly copied  
4 the actual questions and answers that were  
5 set forth on the tests that she was copying  
6 from?  
7 A. I was not privy to the original test, no.  
8 Q. So you do not know whether she copied them  
9 accurately; would that be true?  
10 A. Yes, sir.  
11 Q. Now, you threw in a minute ago the fact  
12 that you asked several of your med-surg  
13 colleagues to look at this particular  
14 exhibit, 10-A, B, C, and D; is that right?  
15 A. Portions of it, yes.  
16 Q. In view of the fact that you didn't even  
17 remember that document, how do you know you  
18 did that?  
19 A. Because I wrote down three med-surg  
20 instructors picked A as an answer.  
21 Q. What are their names?  
22 A. Would have been Lisa O'Steen, Yolanda  
23 Williams, and I'm making the assumption

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1 Bobbie Hunter, because those were the three  
2 med-surg instructors that were employed at  
3 Columbus Technical College at that time.  
4 Q. Why are you making that assumption?  
5 A. Because it says three med-surg instructors,  
6 and I remember discussing it with  
7 Ms. Turner and Ms. O'Steen. And if I put  
8 med-surg instructors, my assumption is  
9 since neither Ms. Turner nor I, although we  
10 are med-surg instructors, aren't med-surg  
11 specialists --  
12 Q. Okay.  
13 A. -- that those are the two I consulted or I  
14 would not have written it in that way.  
15 Q. Who's the chair of the nursing program  
16 there at Columbus Tech?  
17 A. It's not set up quite that way. My  
18 immediate boss is Ken Gordon, who is  
19 program director.  
20 Q. Ken Gordon?  
21 A. Yes, sir.  
22 Q. Is he a registered nurse?  
23 A. RN, MSN, yes, sir.



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1 Q. Now, in looking at Exhibit 10-A, B, C, and  
2 D, can you tell me whether or not you wrote  
3 anything on those questions or on those  
4 answers that would identify now which ones  
5 in your opinion should have been counted  
6 correctly --  
7 A. On some of them, yes, sir.  
8 Q. -- or counted correct? I'm sorry.  
9 A. Yes, sir, on some of them, because I wrote  
10 down references and where the correct  
11 answer was found.  
12 Q. Tell me. How can we identify those? Can  
13 you identify them for me?  
14 A. Where it had page numbers, 9th edition,  
15 Bruner, page 1827, those types of things  
16 were the references where we found them for  
17 her to take back.  
18 Q. Let me --  
19 THE WITNESS: While you're doing  
20 that, could I take a little  
21 break?  
22 MR. NIX: Absolutely.  
23 (Brief interruption.)

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1 (Brief recess was taken.)  
2 Q. I was just looking to see. The yellow  
3 appears to have actually marked some of the  
4 resources?  
5 A. Uh-huh. (Positive response.) Because it  
6 was in my handwriting. You told me to mark  
7 everything that was in my handwriting.  
8 Q. Okay. I'm going to give you back 10-A, B,  
9 C, and D. Let me see if I can figure out  
10 something here.  
11 Would you please take that pink marker  
12 and highlight the resources or the -- you  
13 say you put the -- someone put the  
14 resources on there that constituted the  
15 correct answer; is that right?  
16 A. Yes, sir, on some of them.  
17 Q. So you're putting pink highlight on those  
18 places; is that right?  
19 A. Yes, sir.  
20 Q. Are you marking over some of the yellow?  
21 A. (Witness nods head up and down.) But you  
22 can tell it's yellow.  
23 Q. Okay.

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1 A. I did it very gently.  
2 Q. Let me ask you this, Ms. Gunnels. Do these  
3 pink marks constitute questions -- let me  
4 rephrase that.  
5 Do these pink marks go along with all  
6 of the questions that you or some other  
7 person from Columbus Tech believed Lindy  
8 got right?  
9 A. Ask that question again.  
10 Q. Do the pink marks, those are the  
11 authorities, correct --  
12 A. Yes, sir.  
13 Q. -- for the answers that you and your  
14 colleagues, I guess, believed --  
15 A. Correct.  
16 Q. -- were correct in terms of Lindy's  
17 answer?  
18 And I guess my question is, do those  
19 marks, are they beside every one of the  
20 questions and answers that you believe  
21 Lindy got correct that were marked wrong?  
22 Let me go about it this way. I know  
23 you're looking.

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1 A. Yeah.  
2 Q. Isn't it correct that the reason you were  
3 looking at Exhibit 10-A, B, C, and D was to  
4 advise Lindy as to whether you believed she  
5 got some questions right that were marked  
6 wrong and then to give her some resources  
7 to use in making her arguments for a change  
8 in the grading of those particular  
9 questions?  
10 A. That's partially correct, yes, sir.  
11 Q. What's the rest of the answer, then?  
12 A. Well, also, it was a learning experience,  
13 because there were some of these that I  
14 agreed that the instructor was correct and  
15 spent time with Lindy explaining why her  
16 answers were not correct, so ...  
17 Q. Did you or did someone mark or put on that  
18 Exhibit 10-A, B, C, and D the resource  
19 citation or whatever y'all call it in  
20 nursing for the questions that y'all  
21 believed she got right that were marked  
22 wrong?  
23 A. Yes, sir.

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1 Q. Did you put a resource by each one of the  
2 ones that y'all believed she got right that  
3 were marked wrong?

4 A. I cannot say for sure.

5 Q. Can you tell me out of the questions that  
6 you see on those four pieces of paper,  
7 10-A, B, C, and D, how many of them you  
8 opine Lindy got correct where the teacher  
9 was clearly wrong in marking it wrong,  
10 marking Lindy's answer wrong?

11 A. Some of them I'm having to read, so ...

12 Q. I understand.

13 A. From looking at this, five.

14 Q. Looking at what? Oh, I'm sorry. You gave  
15 me the number five.

16 A. Yes, sir, five or six.

17 Q. Well, is it five or six?

18 A. Well, partially -- the copies aren't  
19 excellent. Some of the questions are cut  
20 off, so I can't tell if that was a correct  
21 answer or not because the question is not  
22 supplied. And there is a notation by  
23 there, but I don't know what the question

1 A. Okay. If I can make it all out from  
2 this -- the writing-over. The one I cannot  
3 read the question, so I cannot say for  
4 sure.

5 The second one --

6 Q. I'm talking about just the five or six  
7 you --

8 A. Okay. The nurse is providing irrigation  
9 for NG tube. Patient's potassium level --  
10 (Brief interruption.)

11 Q. You have to go slow.

12 A. I'm sorry.

13 Q. Is that on 10-A?

14 A. Yes, sir, second question.

15 Q. The second question on 10-A, read the  
16 question, please, slowly.

17 A. The nurse is providing irrigation for  
18 nasogastric tube. The patient's potassium  
19 level is four milliequivalents per liter --

20 THE WITNESS: Is that the right  
21 speed?

22 COURT REPORTER: Thank you.

23 THE WITNESS: I just didn't know

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1 is, so I can't judge at this point exactly  
2 what it means. But one, two, three --

3 Q. That's the way I got the documents, you  
4 know.

5 A. Five definite and potential six is what --  
6 from this piece of paper.

7 Q. Because of the cutoff?

8 A. Uh-huh. (Positive response.)

9 Q. Yes?

10 A. Yes, sir.

11 Q. Didn't you say there were 16 total?

12 A. 16 or 15. I can't remember at this point.

13 Q. Now, are those five or six where you think  
14 Lindy got it clearly right where the  
15 teacher was clearly wrong?

16 A. Apparently, these were the ones that I felt  
17 were clearcut.

18 Q. They are the ones you --

19 A. Yes, sir. I said there were five of them  
20 that --

21 Q. What I want you to do is read the question,  
22 read Lindy's answer and read the teacher's  
23 answer.

1 how slow or how fast.

2 A. -- and sodium is 130 per liter. The nurse  
3 would irrigate with, and from looking at  
4 this Lindy picked A, which is tap water.

5 Do you want all three other options  
6 or --

7 Q. Well, Lindy picked tap water which you  
8 believe is clearly correct?

9 A. Yes, sir.

10 Q. Is that right?

11 A. Yes, sir.

12 Q. Are the three other options clearly wrong,  
13 or can you tell which option the teacher or  
14 the instructor concluded was the correct  
15 answer?

16 A. From this piece of paper, because I don't  
17 independently recollect, D is marked in red  
18 on the Scantron, which is 0.9 percent  
19 normal saline.

20 Q. Is that written on that paper right there?

21 A. Yes, sir.

22 Q. That's what you're reading?

23 A. Yes, sir.

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<p>1 Q. All right.</p> <p>2 A. And my handwriting says normal saline is</p> <p>3 isotonic and would not impact the sodium</p> <p>4 level. And if I remember correctly, Lindy</p> <p>5 said they had discussed this one with</p> <p>6 Ms. Harris in court and she said you would</p> <p>7 use normal saline because of the sodium</p> <p>8 level.</p> <p>9 Q. They had discussed this with who?</p> <p>10 A. Ms. Harris.</p> <p>11 Q. In court?</p> <p>12 A. No, in class.</p> <p>13 Q. I thought you said court.</p> <p>14 A. If I said court, no.</p> <p>15 Q. I think you did say court, but anyway ...</p> <p>16 So is D the answer, then, that you're</p> <p>17 saying Ms. Harris --</p> <p>18 A. Chose.</p> <p>19 Q. -- chose? Okay. All right.</p> <p>20 And then read the next one, the next</p> <p>21 question that you believe is clearcut.</p> <p>22 A. Interventions, priority in the plan of care</p> <p>23 for a patient with multiple myeloma. She</p>	<p>1 Q. Go to the next one.</p> <p>2 A. Patient with cancer developed complications</p> <p>3 of thrombocytopenia. Which hygiene is</p> <p>4 contraindicated? And I can't see where</p> <p>5 Lindy marked what had been chosen by</p> <p>6 Ms. Harris. The question -- The answer</p> <p>7 that I felt was correct or -- was correct</p> <p>8 was A, brushing teeth and dental flossing</p> <p>9 due to the bleeding, Chapter 303, 9th</p> <p>10 edition, again, of Bruner and page 770 of</p> <p>11 some other textbook.</p> <p>12 Q. Is that also on 10-A?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Go to the next one.</p> <p>15 A. Okay. Assessment of a 34 year-old patient,</p> <p>16 post liver biopsy. They have an IV of 0.9</p> <p>17 percent KVO, respiration of 24, blood</p> <p>18 pressure is 80 over 40, pulse 130,</p> <p>19 temperature 97. Skin is cool. Capillary</p> <p>20 refill is greater than five. What would</p> <p>21 your first action be?</p> <p>22 And I have to say this is one where I</p> <p>23 disagreed. I don't know that you would --</p>
Page 74	Page 76
<p>1 has that she chose B, and I'll say what</p> <p>2 that is in a second. She says Ms. Harris</p> <p>3 chose A, which A was to increase the</p> <p>4 fluids. My agreement was with B, monitor</p> <p>5 the red blood cells, and I have marked here</p> <p>6 that that's on page 1827, 9th edition of</p> <p>7 Bruner.</p> <p>8 Q. I'm sorry?</p> <p>9 A. The 9th edition of Bruner. It's a med-surg</p> <p>10 textbook.</p> <p>11 Q. Now, I didn't hear you read the whole</p> <p>12 question. Did you read the whole question?</p> <p>13 A. I read what is on here: Intervention,</p> <p>14 priority in the plan of care for the</p> <p>15 patient with multiple myeloma.</p> <p>16 Q. Lindy picked B which you thought was</p> <p>17 clearly correct, and Ms. Harris was A which</p> <p>18 you thought was clearly wrong; is that</p> <p>19 right?</p> <p>20 A. Yes, sir, with the information given in the</p> <p>21 question.</p> <p>22 Q. Now, that's on 10-A?</p> <p>23 A. That's the first page, is A, yes, sir.</p>	<p>1 actually, I wrote on here it's a bad</p> <p>2 question, because A was elevate the head of</p> <p>3 the bed. Lindy said call the physician. C</p> <p>4 is check the incision. D was increase</p> <p>5 fluids to 100 ml per hour.</p> <p>6 And I disagreed with D because I felt</p> <p>7 like that that wasn't even maintenance for</p> <p>8 a patient of this age. And if you went</p> <p>9 through the two books that are marked</p> <p>10 here ...</p> <p>11 Q. You say Lindy chose B?</p> <p>12 A. Uh-huh. (Positive response.)</p> <p>13 Q. Yes?</p> <p>14 A. Yes, sir. So this was one where I didn't</p> <p>15 agree with Lindy, but I also didn't agree</p> <p>16 with Ms. Harris.</p> <p>17 Q. So both of them got it wrong?</p> <p>18 A. In my humble opinion.</p> <p>19 Q. Okay. We might disagree about humility,</p> <p>20 but -- go to the next one.</p> <p>21 That was 10-B, correct?</p> <p>22 A. That was 10-B, correct.</p> <p>23 Q. All right.</p>

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<p>1 A. This one I'm having trouble reading, so I</p> <p>2 can't say what the agreement or</p> <p>3 disagreement was.</p> <p>4 Q. Well, you picked out five or six. I just</p> <p>5 want you to tell me which ones of those --</p> <p>6 A. Yes, sir, and I'm trying to go through and</p> <p>7 do that, so ...</p> <p>8 (Brief interruption.)</p> <p>9 A. If I had longer to look at these, I</p> <p>10 could ...</p> <p>11 Some of these I would have to defer to</p> <p>12 Lindy as to what some of these notes mean</p> <p>13 because they're not in my hand. She was</p> <p>14 writing what I said.</p> <p>15 Q. Writing what you said?</p> <p>16 A. Uh-huh. (Positive response.)</p> <p>17 Q. Yes?</p> <p>18 A. On one of these, I thought all of the</p> <p>19 answers would be choices.</p> <p>20 Q. Correct choices?</p> <p>21 A. Would be correct. And we do have questions</p> <p>22 where it's pick all that are correct and</p> <p>23 there's more than one answer. So that one</p>	<p>1 them I said I thought she was correct, but</p> <p>2 in looking at it I told her she was wrong.</p> <p>3 Q. Now, the one you say is cut off is on what</p> <p>4 page?</p> <p>5 A. It's the very top of 10-A.</p> <p>6 Q. Now, let me tell you what I've got. I've</p> <p>7 got the second question on 10-A.</p> <p>8 A. Right.</p> <p>9 Q. I've got the one about the --</p> <p>10 A. That would be the third question on 10-A</p> <p>11 with the multiple myeloma.</p> <p>12 Q. Is that the tap water answer?</p> <p>13 A. No. I'm sorry. No. I thought you were</p> <p>14 going down to that one. I apologize.</p> <p>15 Q. I'm just trying to recount to you.</p> <p>16 A. Right.</p> <p>17 Q. There were three on page 10-A.</p> <p>18 A. Okay.</p> <p>19 Q. Isn't that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And then there was one on 10-B where you</p> <p>22 said both the teacher and Lindy were wrong,</p> <p>23 right?</p>
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<p>1 I would have to defer to Lindy as to</p> <p>2 exactly what because she wrote that.</p> <p>3 Q. But I still want you just to give -- you</p> <p>4 told me five or six a minute ago.</p> <p>5 A. Well, I said five because the sixth one I</p> <p>6 can't read the front, so I don't know.</p> <p>7 And, actually, in looking at the fifth one,</p> <p>8 I believe I told her she was wrong, so --</p> <p>9 because it says picked D.</p> <p>10 Q. Which one was that?</p> <p>11 A. On C.</p> <p>12 Q. 10-C?</p> <p>13 A. The third one down says: Caring for</p> <p>14 patient hospitalized with acute</p> <p>15 exacerbation of COPD. Which of the</p> <p>16 following would the nurse expect to</p> <p>17 evaluate on this client? Lindy picked an</p> <p>18 incorrect answer, and I gave her the</p> <p>19 correct answer and what page it was on.</p> <p>20 Q. So you miscounted is what you're telling</p> <p>21 me.</p> <p>22 A. Yes, sir, in that quick brief going through</p> <p>23 with not having the fifth one -- and one of</p>	<p>1 A. That I disagreed with their answer, yes,</p> <p>2 sir.</p> <p>3 Q. And then there was one on 10-C that you had</p> <p>4 counted as clearly -- that Lindy got it</p> <p>5 clearly correct and the teacher got it</p> <p>6 clearly wrong. Now that you've looked back</p> <p>7 over it, you've realized --</p> <p>8 A. It was the other way around.</p> <p>9 Q. -- that it was the other way around?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Any others that you see on there?</p> <p>12 A. Not in looking through this selection, no,</p> <p>13 sir. I mean, if I had more time to look at</p> <p>14 it and read everything, I might come up</p> <p>15 with a different answer. But in looking at</p> <p>16 it in this time period ...</p> <p>17 Q. Well, I want you to take as much time as</p> <p>18 you need.</p> <p>19 A. You may not want me to.</p> <p>20 Q. You've been a professor or an instructor in</p> <p>21 nursing how long?</p> <p>22 A. I have taught for -- off and on for 30</p> <p>23 years, so ...</p>



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<p>1 Q. I mean, if you need more time, I want you 2 to take it. 3 A. Okay. 4 Again, I don't want to answer on the 5 others because I would need Lindy here to 6 explain what some of this writing means. 7 Those four I can say with assurance. The 8 others without further consultation I could 9 not say. 10 Q. What you're saying is, you're having a hard 11 time reading the writing on some of them? 12 A. Some of them, yes, sir. 13 Q. Would it be correct to say that some of 14 them where you can read the writing, 15 there's just not enough information for you 16 to tell what it means? 17 A. Do you mean as she copied down the question 18 or as -- 19 Q. As she copied down the question and the 20 answer, right. 21 A. Not so much as copying down the question, 22 but what is written in the margins as to 23 what we said about the question.</p>	<p>1 pediatrics, correct? 2 A. Correct. 3 Q. And I think we've also established that 4 you're not positive that you actually went 5 over test questions on those two. You know 6 you discussed them with her at least, 7 correct? 8 A. Correct. 9 Q. Did you ever give Lindy any other advice 10 other than go back and talk to your 11 instructor? 12 A. I told her -- I referred her to 13 Ms. Peterson, also. 14 Q. For what purpose? 15 A. On several issues, and not just Lindy. But 16 that, for example, the quarter of 271 17 started out in August with me at least for 18 the first 15 minutes of class being the 19 instructor of record, and it was my 20 syllabi, et cetera. 21 I had given them an assignment to do 22 over the break that they were to turn in, 23 which they had done, that was to be graded</p>
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<p>1 Q. Where she actually did the writing? 2 A. Yes, sir. 3 Q. Can you tell on this 10-A, B, C, and D 4 where she did the writing? 5 A. I don't know what Lindy's handwriting looks 6 like. I'm assuming if it's not mine it was 7 hers, but that's an assumption, and that 8 the questions are written in her 9 handwriting. I just know it's not my 10 handwriting. 11 Q. What advice did you give Lindy upon going 12 over this group of papers with her, 10-A, 13 B, C, and D? 14 A. I referred her back to Ms. Harris. 15 Q. To do what? 16 A. To go back over and see if -- with the 17 references that Lindy had and the things 18 that she had, were those, indeed, questions 19 that would stand or potentially would be 20 counted correct or incorrect. 21 Q. I guess we've determined that the questions 22 reflected on 10-A, B, C, and D do not 23 relate to NUR 271 obstetrics, or NUR 272</p>	<p>1 to use as part of the grade points in 271. 2 I left those papers when I resigned and 3 left CVCC, and the students were told that 4 those were not available. And I told them 5 where they were and advised them to go to 6 Ms. Peterson if they were not found. 7 Q. What were those? 8 A. It was an assignment that was given to them 9 prior to the start of the semester for them 10 to have worked over -- 11 Q. Fall semester? 12 A. -- over the break and to have been turned 13 in. And in the syllabus, it was part of 14 the points that they were to earn for the 15 syllabus and they were to have received 16 those points. And I left those in my 17 office when I left CVCC. 18 Q. The papers that they turned in? 19 A. Yes, sir. 20 Q. And so the reason you told Lindy to go see 21 Ms. Peterson was because you wanted her to 22 retrieve those? 23 A. Well, if they were saying that those</p>

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1 couldn't be found and the points could not  
2 be given to them, I referred her to  
3 Ms. Peterson.  
4 Q. Were they saying that those could not be  
5 found and points could not be given for  
6 them?  
7 A. The students were told that those  
8 assignments they had completed could not be  
9 found in my office.  
10 Q. Do you know what Ms. Peterson said?  
11 Actually, do you know whether Lindy  
12 talked to Ms. Peterson about those papers?  
13 A. I do not know what the outcome of that was.  
14 Q. You don't know what Ms. Peterson said?  
15 A. No, sir.  
16 Q. You don't know whether Lindy talked to  
17 Ms. Peterson, correct?  
18 A. I cannot remember.  
19 Q. Okay.  
20 A. And it would have been Lindy reported to me  
21 whether or not she spoke with Ms. Peterson,  
22 and I can't remember.  
23 Q. Did you give her any other advice, give

1 A. She was a student in the class before  
2 Lindy, so she would have graduated in May  
3 of 2005 if my dates are correct.  
4 Q. You're right. I think that's right.  
5 A. Okay.  
6 (Brief interruption.)  
7 A. But that she was issued a failing grade in  
8 clinicals in NUR 272, which was pediatric  
9 nursing, and she was appealing that grade.  
10 Q. NUR 272?  
11 A. Pediatrics, yes, sir.  
12 Q. You were her clinical instructor?  
13 A. I was her didactic classroom instructor and  
14 had been present in clinicals with  
15 Ms. Umoh.  
16 Q. When you say didactic classroom instructor,  
17 is that a different type of instructor from  
18 the NUR 272 lecture instructor?  
19 A. No, that's the lecture instructor. The  
20 didactic is the classroom portion.  
21 Q. And we're talking about what semester would  
22 that have been?  
23 A. That would have been spring of 2005 unless

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1 Lindy any other advice?  
2 A. I advised her on -- that she needed to file  
3 a grade appeal if she felt that she had a  
4 case. I advised her that the syllabus was  
5 a legal and binding contract, and if that  
6 wasn't being followed that she needed to  
7 address that. And I may have advised her  
8 to contact a lawyer.  
9 Q. Did you give her the name of a lawyer?  
10 A. No, sir. I don't know many lawyers of this  
11 type.  
12 Q. Did you tell her anything about whether  
13 other people had obtained a lawyer with  
14 regard to a problem with CVCC?  
15 A. I honestly don't remember. I don't know.  
16 I don't think so, but I cannot recall.  
17 Q. Do you know of any other person that  
18 obtained a lawyer and went to CVCC with a  
19 lawyer about a nursing problem?  
20 A. Yes, sir.  
21 Q. Who?  
22 A. Arit Umoh.  
23 Q. What was that about?

1 I'm incorrect.  
2 Q. Now, were you a full-time employee for the  
3 spring semester of 2005?  
4 A. No, sir. I believe I was employed -- I was  
5 either temporary full-time or I had been  
6 hired specifically for NUR 272 lecture and  
7 clinical and MCN 124, which was the  
8 pediatric LPN --  
9 Q. That would have been an LPN course?  
10 A. That would have been an LPN course.  
11 (Brief interruption.)  
12 A. I don't remember what my status was. I was  
13 either temporary full-time or I had been  
14 hired specifically for teaching NUR 272,  
15 both lecture and clinical, and another LPN  
16 course.  
17 Q. Did Ms. Umoh have a clinical instructor  
18 other than you?  
19 A. Yes, sir.  
20 Q. Who?  
21 A. I believe she was officially in Ms. Wendy  
22 Wall's group, but she also -- she was  
23 either in Arit -- sorry, Arte Harmon,

<p style="text-align: right;">Page 89</p> <p>1 A-R-T-E, Harmon or Wendy Wall's group, not</p> <p>2 officially in my group.</p> <p>3 Q. She was giving -- given a failing grade in</p> <p>4 the clinical, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. But not in the didactic part?</p> <p>7 A. Yes, sir.</p> <p>8 Q. She made a passing grade in the didactic</p> <p>9 part?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And you taught that, correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. So tell me about her getting a lawyer. I</p> <p>14 don't understand what you're talking about.</p> <p>15 A. She had a lawyer present the campus with</p> <p>16 his card and said he was acting on her</p> <p>17 behalf and that she was appealing or</p> <p>18 protesting her grade.</p> <p>19 Q. Do you know who this lawyer was?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you know who the lawyer spoke with?</p> <p>22 A. I did not speak with him, so I do not know</p> <p>23 who he spoke with.</p>	<p style="text-align: right;">Page 91</p> <p>1 meeting where you discussed the questions</p> <p>2 on this Exhibit 10-A, B, C, and D?</p> <p>3 A. I don't recall.</p> <p>4 Q. Did you ever advise her to do anything</p> <p>5 other than a grade appeal?</p> <p>6 A. As I said, I may have, going through the</p> <p>7 steps and -- probably did; said, and then</p> <p>8 if not, then you can seek legal means.</p> <p>9 Q. So grade appeal and legal recourse of some</p> <p>10 type, correct?</p> <p>11 A. Uh-huh. (Positive response.)</p> <p>12 Q. Yes? You're going to have to say yes.</p> <p>13 A. I'm sorry. Yes, I could have and probably</p> <p>14 did. I can't say for certain I said</p> <p>15 dah-dah-dah and get a lawyer, but I said</p> <p>16 these are the steps.</p> <p>17 Q. Do you know if she did get a lawyer?</p> <p>18 A. Well, since I'm being deposed, yes, I'm</p> <p>19 assuming she did get one.</p> <p>20 Q. Do you know who the lawyer was?</p> <p>21 A. I'm trying to recall, because in looking</p> <p>22 through those papers, I saw Connie Cooper's</p> <p>23 name on them and know that's a law firm</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. Did you meet the lawyer?</p> <p>2 A. Not to my knowledge or remembrance.</p> <p>3 Q. Did you speak with the lawyer?</p> <p>4 A. No, sir.</p> <p>5 Q. How did you know that she got a lawyer?</p> <p>6 A. I was told by Ms. Peterson I think</p> <p>7 initially, and then Dr. Lowe.</p> <p>8 Q. So you weren't in any meetings where the</p> <p>9 lawyer was present, correct?</p> <p>10 A. I don't believe so. I don't remember</p> <p>11 anything where I was present at the same</p> <p>12 time he was.</p> <p>13 Q. One of the things you told Lindy in meeting</p> <p>14 with her -- let me ask you this. Do you</p> <p>15 recall whether that meeting would have been</p> <p>16 related to Exhibit 10-A, B, C, and D, these</p> <p>17 questions that you and I have been</p> <p>18 discussing?</p> <p>19 A. I'm sorry. You'll have to specify which</p> <p>20 meeting.</p> <p>21 Q. Was the meeting where you told her to do a</p> <p>22 grade -- to meet with Ms. Harris, do a</p> <p>23 grade appeal, get a lawyer, was that the</p>	<p style="text-align: right;">Page 92</p> <p>1 that Lindy -- I honestly do not know if I</p> <p>2 knew that was who her attorney was or</p> <p>3 whatever. The first contact I had with an</p> <p>4 attorney was with Ms. Cooley and</p> <p>5 Mr. Dumbuya.</p> <p>6 Q. How do you know Connie Cooper?</p> <p>7 A. I saw her name on your papers you --</p> <p>8 Q. You don't know her?</p> <p>9 A. Oh, no, sir. No.</p> <p>10 Q. And Ms. Cooper did not speak with you?</p> <p>11 A. Not to my remembrance no, I don't believe</p> <p>12 so.</p> <p>13 Q. Before Ms. Cooley wrote the letter that she</p> <p>14 wrote to Dr. Blackwell, Ms. Cooley did not</p> <p>15 speak with you?</p> <p>16 A. No, sir. I mean, I'd have to know the date</p> <p>17 of the letter.</p> <p>18 Q. July 28 or 23, somewhere in that time</p> <p>19 frame, of 2006, I believe.</p> <p>20 A. To my knowledge, I can just state that I</p> <p>21 never spoke with Ms. Cooley or met her</p> <p>22 until I went to her office for deposition</p> <p>23 or whatever you call --</p>

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1 Q. July 28, 2006, was Ms. Cooley's letter,  
2 Exhibit 20.

3 A. I do not remember speaking or meeting with  
4 Ms. Cooper [sic] until I met her and talked  
5 with her at the deposition.

6 Q. Okay. Did you give Lindy Wright advice on  
7 more than one occasion relative to her  
8 problems passing courses at CVCC?

9 A. Yes, I'm sure I did.

10 Q. Can you go through each one?

11 A. I know I spoke with her on several  
12 occasions over that eight-month time  
13 period, approximately -- well, I wouldn't  
14 say eight months, five-month time period,  
15 approximately.

16 And, you know, basically listened to  
17 her concerns and addressed as best I could  
18 advice, which ultimately led to the grade  
19 appeal -- meeting with the instructor,  
20 grade appeal, meeting with Ms. Peterson,  
21 and going through the proper channels.

22 Q. What I want you to do is start with the  
23 first meeting you had with her about a

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1 Q. All right. Did you meet with her after you  
2 met with her in December 2005?

3 A. I know I did because that is when I gave  
4 her the pediatric notes to help her with  
5 her studying. I'm trying to think if she  
6 came to the office another time. And then  
7 I spoke to her on the phone a couple of  
8 times.

9 Q. In December 2005, you met with her and  
10 talked to her about 10 -- this Exhibit  
11 10 --

12 A. You're telling me I did. I know I met with  
13 her at some point --

14 Q. No, I'm representing to you that Ms. Wright  
15 testified that she met with you in December  
16 2005 and talked about her grades.

17 A. Then I would defer to Ms. Wright's memory  
18 of when it was. I do know that I met with  
19 her and we went over those.

20 Q. I'm asking you to assume your first -- not  
21 your first meeting, but at least you had a  
22 meeting with her --

23 A. Yes.

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1 grade problem or a course failure and tell  
2 me about each meeting you had with her.

3 A. I could not do that because I don't recall  
4 dates or times or specific, you know,  
5 meetings or conversations. I can give you  
6 general conversations we had and she came  
7 by my office a couple of times, those types  
8 of things.

9 Q. I don't care about precise dates. I don't  
10 care about precision in exactly what each  
11 of you said. Okay?

12 A. Okay.

13 Q. I just want to know approximately when you  
14 met with her. I know you met with her one  
15 time, and it appears to have been in  
16 December of 2005 --

17 A. Okay.

18 Q. -- relative to 10-A, B, C, and D. Okay?

19 A. (Witness nods head up and down.)

20 Q. Now, did you meet with her before this to  
21 your knowledge about a problem with grades  
22 at CVCC?

23 A. I do not recall.

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1 Q. -- in December 2005 about failing grades.  
2 Okay?

3 A. Yes, sir.

4 Q. And I'm asking you -- Now, was that the  
5 time when you gave her the information on  
6 pediatrics, your --

7 A. No, sir. There was another meeting.

8 Q. All right. Do you know when that meeting  
9 was?

10 A. About -- I would have to look at the 272  
11 syllabus, but they were studying GI and, I  
12 think, urinary. They were studying those  
13 subjects.

14 Q. And was anything else discussed other than  
15 pediatrics at that meeting?

16 A. Not that I recall.

17 Q. Did you give her anything other than these  
18 course notes that we've marked as 10 -- G-1  
19 through G-22?

20 A. I believe I also gave her some old NCLEX  
21 questions, type style questions.

22 Q. Some what?

23 A. Old NCLEX style questions. There are Web



<p style="text-align: right;">Page 97</p> <p>1 sites and there are books you can get NCLEX</p> <p>2 questions out of. I had collected some</p> <p>3 from various Websites that are study</p> <p>4 guides for the NCLEX board and where a lot</p> <p>5 of instructors --</p> <p>6 Q. Get their tests?</p> <p>7 A. Not get their tests, but use those as</p> <p>8 guidance for what types of test questions</p> <p>9 you're going to ask.</p> <p>10 Q. Let me show you Exhibit 9 to Ms. Wright's</p> <p>11 deposition. Does that look like the NCLEX</p> <p>12 material?</p> <p>13 A. No, sir, those are my slides. Those are my</p> <p>14 notes.</p> <p>15 Except for some personal notes that are</p> <p>16 in the middle of this from Lindy, which are</p> <p>17 other copies of grade appeals, et cetera,</p> <p>18 these are notes I provided to her on</p> <p>19 pediatrics, but there are no NCLEX style</p> <p>20 questions here. And I may have just given</p> <p>21 her a Web site.</p> <p>22 Q. Okay. So Defendant's Exhibit 9 are notes</p> <p>23 and materials that you gave Lindy, except</p>	<p style="text-align: right;">Page 99</p> <p>1 of them I can't say that I gave them to</p> <p>2 her.</p> <p>3 But a large number of them are slides I</p> <p>4 gave her and, also, some of them I went</p> <p>5 over with her.</p> <p>6 Q. When was that?</p> <p>7 A. It would have been before they had a test</p> <p>8 on -- I believe it was GI and urinary was</p> <p>9 what I remember studying with Lindy.</p> <p>10 Q. And that would be pediatrics?</p> <p>11 A. Pediatrics, yes, sir.</p> <p>12 Q. Let me ask you this. I want to kind of go</p> <p>13 back and pick a couple of things up.</p> <p>14 Give me your understanding of why Lindy</p> <p>15 is no longer in the ADN program at CVCC.</p> <p>16 A. My understanding is, is that she did not</p> <p>17 receive a passing grade -- I thought it was</p> <p>18 in 271. It could have been med-surg. I</p> <p>19 honestly don't remember.</p> <p>20 That she appealed, met with, was</p> <p>21 offered some type of course forgiveness and</p> <p>22 then was issued a non-passing grade in</p> <p>23 pediatrics.</p>
<p style="text-align: right;">Page 98</p> <p>1 that there are some materials in here that</p> <p>2 relate to --</p> <p>3 A. Her grade appeal.</p> <p>4 Q. -- her grade appeal?</p> <p>5 A. Yeah.</p> <p>6 Q. So anything related to grade appeal is</p> <p>7 something that she developed or is hers?</p> <p>8 A. Yes, sir.</p> <p>9 Q. The rest of it is stuff that you gave her,</p> <p>10 right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know when you would have given her</p> <p>13 that?</p> <p>14 Is that pediatric material?</p> <p>15 A. That's pediatrics, yes, sir.</p> <p>16 Q. Every bit of it is?</p> <p>17 A. Let me double check and make sure, but it</p> <p>18 all looked like --</p> <p>19 Now, some of these may have been slides</p> <p>20 that Ms. Harris gave her. Some of them do</p> <p>21 not look familiar, but a lot of them are my</p> <p>22 slides and notes. So I can't say -- some</p> <p>23 of them -- some of them are mine, and some</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. When you say she was offered some kind of</p> <p>2 course forgiveness, what do you mean?</p> <p>3 A. She took another course, and as reported --</p> <p>4 per discussion with her was if this -- she</p> <p>5 passed this course successfully, then that</p> <p>6 would take the place of the failing grade</p> <p>7 she had received in the course for fall of</p> <p>8 2005.</p> <p>9 Q. And so that's what she told you?</p> <p>10 A. I believe so, yes, sir, to the best of my</p> <p>11 memory.</p> <p>12 Q. Are you familiar with the policies and</p> <p>13 procedures of CVCC relative to nursing</p> <p>14 students?</p> <p>15 A. To a degree. It would depend on which</p> <p>16 particular -- seeing that I primarily</p> <p>17 worked as adjunct, I did not get involved a</p> <p>18 lot in those types of situations.</p> <p>19 Q. So to a degree, you have knowledge of the</p> <p>20 CVCC policies and procedures for nursing</p> <p>21 students, but not to a great degree? Would</p> <p>22 that be correct?</p> <p>23 A. Generally, yes.</p>

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<p style="text-align: right;">Page 101</p> <p>1 Q. And I guess I'm still wondering what you 2 mean when you discuss what you have 3 discussed with me, and that is that she 4 failed a course, that she was told that she 5 could take another course and receive some 6 kind of course forgiveness, as you put it, 7 and then she failed another course, I 8 guess -- 9 Did you say Pediatrics 272? 10 A. I believe that's what it was. 11 Q. All right. So why would -- why would what 12 you have told me disqualify her from 13 continuing in school at CVCC? Do you 14 understand that? 15 A. I think I do. Let me answer it if I've not 16 answered the question. 17 Q. Okay. 18 A. My understanding of the policy is a failing 19 grade in two nursing courses precludes you 20 from -- or did preclude you from 21 entering -- re-entering the nursing 22 program. 23 From what Lindy had reported to me,</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. That was the policy, right? 2 A. Right. 3 Q. Are you saying that it's your understanding 4 that Lindy is no longer qualified to be in 5 the nursing program at CVCC because she 6 failed two nursing courses? 7 A. No. I am saying that Lindy presented to me 8 she was told that if she completed the 9 course and received a passing grade on it 10 that it would -- that she would at this 11 point not be considered as having failed 12 two nursing courses because she repeated 13 one and received a passing grade in it and 14 that that was -- I guess the term would be 15 forgiven. 16 Q. Do you know how course forgiveness works at 17 CVCC? 18 A. No, sir. 19 Q. Do you know what it's for, the purpose of 20 it? 21 A. I can't say that I do, no, sir. 22 Q. Do you know what course substitution is at 23 CVCC?</p>
<p style="text-align: right;">Page 102</p> <p>1 because there was some controversy over the 2 semester and how grades had been given, 3 that type of thing, that she was offered 4 the opportunity of taking a course, and 5 course numbers had changed, that the grade 6 that she made in that course would offset a 7 failing grade that was issued in the 8 earlier course if that makes sense. 9 Q. So are you saying that she was disqualified 10 from attending CVCC, the nurse ADN program, 11 as you understand it, because she failed 12 two courses, or are you not saying that? 13 A. I'm saying that it was my understanding 14 that if two courses were failed -- and 15 that's just my understanding of the nursing 16 program, but Lindy -- 17 (Brief interruption.) 18 (Brief recess was taken.) 19 Q. Ms. Gunnels, you were telling me your 20 understanding of the nursing program, is 21 that if you fail two courses, that you're 22 no longer eligible to participate, correct? 23 A. That that was the ruling, yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 (Brief interruption.) 2 Q. Ms. Gunnels, do you know what course 3 substitution is at CVCC? 4 A. I don't know the parameters of it or the 5 definition, no, sir. 6 Q. And you do not know its purpose? 7 A. My -- and it's an assumption, would be if 8 you -- 9 Q. Tell me what you know. Don't give me an 10 assumption. 11 A. Then I know nothing. 12 Q. And you don't know how it works, obviously, 13 at CVCC, correct? 14 A. No. 15 Q. Do you know what academic bankruptcy is at 16 CVCC? 17 A. No, sir. 18 Q. If I hear you correctly, your time at CVCC, 19 you dealt with instructing. 20 A. Yes. 21 Q. And that's all you got involved with was 22 instructing, correct? 23 A. Yes, sir. I mean, that's what my job was.</p>

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<p>1 Q. Dixie Peterson was the chair of the</p> <p>2 nursing -- that nursing program or the</p> <p>3 health sciences part or portion of CVCC's</p> <p>4 curriculum; isn't that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And she was over nursing, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you know how many courses Lindy actually</p> <p>9 failed while she was at CVCC in that ADN</p> <p>10 program, let's say, between August 2005 and</p> <p>11 May 2006?</p> <p>12 A. Independently, no, sir.</p> <p>13 Q. Does that matter?</p> <p>14 A. To me?</p> <p>15 Q. Yes.</p> <p>16 A. No, sir. I mean, I'd need to know what you</p> <p>17 mean by does it matter.</p> <p>18 Q. Would it matter to you if a student in your</p> <p>19 nursing program failed courses in terms of</p> <p>20 that person's qualifications and ability to</p> <p>21 become a nurse who was not dangerous and</p> <p>22 who proficiently performed the job of a</p> <p>23 registered nurse?</p>	<p>1 courses, you're not eligible for admission.</p> <p>2 A. Re-entry into.</p> <p>3 Q. Okay. In other words, if a nursing student</p> <p>4 fails two courses at Columbus Tech, they</p> <p>5 are out of the nursing program; is that</p> <p>6 correct?</p> <p>7 A. The ADN program, yes, sir.</p> <p>8 Q. The ADN, the same program we're talking</p> <p>9 about here at CVCC, correct?</p> <p>10 A. It's a little bit different at CTC. That's</p> <p>11 why I said ADN.</p> <p>12 Q. I've got you. But that's the policy at</p> <p>13 Columbus Tech, correct?</p> <p>14 A. Uh-huh. (Positive response.) If they</p> <p>15 receive two F's in a nursing class.</p> <p>16 Q. There is a little difference, because a D</p> <p>17 is an F basically at CVCC, correct?</p> <p>18 A. Well, and the same -- a failing grade I</p> <p>19 should have said instead of an F. A</p> <p>20 failing grade.</p> <p>21 Q. Because the scale is pretty much the same</p> <p>22 at Columbus Tech as it is at CVCC? A D --</p> <p>23 A. It's a little different, but D is a</p>
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<p>1 A. It would depend on which courses they</p> <p>2 failed, how frequently, what were the</p> <p>3 circumstances, was it because they were not</p> <p>4 a good test taker versus were they not</p> <p>5 competent. There's a lot of factors that</p> <p>6 go into that.</p> <p>7 But I have had students who have failed</p> <p>8 courses before and repeated them and did</p> <p>9 exceptionally well and were outstanding</p> <p>10 nurses.</p> <p>11 Q. Does Columbus Tech have a policy of any</p> <p>12 kind that relates to the number of courses</p> <p>13 an RN student can fail and still graduate?</p> <p>14 A. Yes, sir.</p> <p>15 Q. What is that policy?</p> <p>16 A. Policy is that absolute failure of two</p> <p>17 nursing courses, you're not eligible for</p> <p>18 re-admission into Columbus Technical.</p> <p>19 There are cases of exceptional</p> <p>20 circumstances where a grade other than F</p> <p>21 will be issued so that the student is</p> <p>22 eligible to come back.</p> <p>23 Q. You just said that upon failure of two</p>	<p>1 failure.</p> <p>2 Q. Does Columbus Tech have anything that you</p> <p>3 call course forgiveness?</p> <p>4 A. I do not know.</p> <p>5 Q. Does Columbus Tech have anything that you</p> <p>6 call course substitution?</p> <p>7 A. Yes.</p> <p>8 Q. All right. What is it?</p> <p>9 A. Well, as I was going to say earlier, at</p> <p>10 CTC, it is only in non-nursing courses. In</p> <p>11 that we require Algebra 191, whatever the</p> <p>12 first college algebra is, if someone has</p> <p>13 calculus because they tested out of</p> <p>14 algebra, you can substitute your calculus</p> <p>15 course for your algebra course.</p> <p>16 Q. Okay.</p> <p>17 A. So that type of course substitution.</p> <p>18 Q. But you can't substitute another nursing</p> <p>19 course for one you failed?</p> <p>20 A. No, sir.</p> <p>21 Q. Why is that?</p> <p>22 A. If you have not successfully completed a --</p> <p>23 if you've not successfully mastered a</p>

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<p>1 course, then there's an opportunity those</p> <p>2 concepts would not be taught in another</p> <p>3 course.</p> <p>4 Q. There's an opportunity for them to do what,</p> <p>5 now?</p> <p>6 A. There's an opportunity that -- I really</p> <p>7 need more information. But, for example,</p> <p>8 if it was a med-surg course, different</p> <p>9 concepts would be covered than in a</p> <p>10 pharmacology course.</p> <p>11 Q. Isn't it correct that an ADN program which</p> <p>12 will allow for a person to become a</p> <p>13 registered nurse if they pass the boards is</p> <p>14 a program that requires high standards</p> <p>15 because of the nature of the work of a</p> <p>16 registered nurse?</p> <p>17 A. Generally, yes.</p> <p>18 Q. A registered nurse is a professional; isn't</p> <p>19 that correct?</p> <p>20 A. By most definitions.</p> <p>21 Q. A registered nurse deals with sick people,</p> <p>22 correct?</p> <p>23 A. Correct.</p>	<p>1 Q. And the reason that most nursing schools do</p> <p>2 not allow students to continue in a program</p> <p>3 like an ADN program after two nursing</p> <p>4 course failures is because it is a</p> <p>5 profession that does have potential for</p> <p>6 danger, and it is a profession that</p> <p>7 requires a high degree of knowledge and</p> <p>8 skill?</p> <p>9 A. Was there -- I'm sorry. Was there a</p> <p>10 question in there?</p> <p>11 Q. That was my question. Am I correct when I</p> <p>12 say that?</p> <p>13 A. Would you repeat that?</p> <p>14 Q. Yes.</p> <p>15 A. I'm sorry.</p> <p>16 Q. Isn't it correct that most nursing schools</p> <p>17 in an ADN program of the type we've been</p> <p>18 discussing do not allow a student to</p> <p>19 continue in the program if they fail two</p> <p>20 substantive nursing courses because nursing</p> <p>21 is a profession where patients can be</p> <p>22 endangered by a nurse; isn't that true?</p> <p>23 A. Well, there's two parts of that question.</p>
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<p>1 Q. A registered nurse deals with situations</p> <p>2 where if they take the wrong step or</p> <p>3 measure, they could seriously harm a</p> <p>4 patient; isn't that correct?</p> <p>5 A. Correct.</p> <p>6 Q. For that reason, taking classes to get an</p> <p>7 ADN degree and then take the State board to</p> <p>8 become a licensed registered nurse is a</p> <p>9 little bit different from taking, let's</p> <p>10 say, business administration, wouldn't you</p> <p>11 agree, in the sense that the profession of</p> <p>12 nursing will allow for the possibility of a</p> <p>13 patient actually either dying or</p> <p>14 becoming -- or being seriously harmed by</p> <p>15 the professional taking care of that</p> <p>16 person, the registered nurse taking care of</p> <p>17 that patient?</p> <p>18 A. I think I agree with that --</p> <p>19 Q. Okay.</p> <p>20 A. -- question. It was kind of long.</p> <p>21 Q. It's important, isn't it, for a registered</p> <p>22 nurse to know what they're doing?</p> <p>23 A. Yes, sir.</p>	<p>1 Yes, nursing is a profession where patients</p> <p>2 can be harmed. I think the idea -- and</p> <p>3 this is my opinion -- of saying someone</p> <p>4 can't come back into a nursing program</p> <p>5 because of -- it's a little bit of a</p> <p>6 fallacy because a student could fail out of</p> <p>7 CTC and go over to CVCC and be entered or</p> <p>8 go to Columbus State and be entered and</p> <p>9 successfully complete their course.</p> <p>10 So it doesn't necessarily -- the whole</p> <p>11 purpose there is not to stop an incompetent</p> <p>12 practitioner from reaching ...</p> <p>13 Q. Are you telling me that a student could</p> <p>14 flunk -- in an ADN program at Columbus Tech</p> <p>15 could flunk two substantive nursing</p> <p>16 courses, be out of the ADN program at</p> <p>17 Columbus Tech and go across the state line</p> <p>18 to CVCC and register in that ADN program</p> <p>19 and be admitted and go through and finish</p> <p>20 up and take the board right away?</p> <p>21 A. Theoretically, yes. And in practice, I</p> <p>22 have taught four or five students who have</p> <p>23 failed out of the CSU nursing program, then</p>



<p style="text-align: right;">Page 113</p> <p>1 came to the CTC program and were 2 successful. 3 So there is a difference with schools 4 and -- you know, I can't say what all the 5 factors were that made students successful 6 at CTC when they were not successful at 7 other nursing schools. 8 Q. So you're saying that Columbus Tech allows 9 a nursing student into the ADN program 10 after that student has flunked two 11 substantive nursing courses at another 12 institution in the same curriculum without 13 a passage of time or anything else? 14 A. If they meet all other qualifications to be 15 entered into and selected into the ADN 16 program, yes, sir. 17 Q. And a nursing school has no responsibility, 18 then, for the safety of a nurse that it 19 graduates or the competency of a nurse that 20 it graduates? Would that be true? 21 A. No, sir, that is -- 22 MR. DUMBUYA: Object to the form 23 of that question.</p>	<p style="text-align: right;">Page 115</p> <p>1 correct? 2 A. Yes, sir. 3 Q. What you're giving me is your personal 4 opinion as an instructor from a nursing 5 school? 6 A. My personal opinion and my experience. 7 Q. But what is your opinion as to the reason 8 for the rule that nursing schools use, that 9 if you flunk two substantive nursing 10 courses in a program like an ADN course, 11 you can't continue until a certain period 12 of time after which you can apply for 13 re-entry, let's say? 14 A. Since I did not write that rule, you would 15 have to ask them the reason for that. 16 Q. Okay. You don't know then? 17 A. I would not want to -- you said in facts, 18 not assumptions. 19 Q. Okay. Very good. 20 (Brief interruption.) 21 THE WITNESS: I said he told me he 22 wished me to deal in facts, 23 not assumptions.</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. Would that be true? 2 A. No, and that's not at all what I said. 3 Q. Well, isn't it correct that if a candidate 4 or a student flunks two substantive nursing 5 courses in an ADN program, that the reason 6 they're no longer allowed to continue in 7 that program is because they are not good 8 nursing candidates and that -- they are not 9 good nursing candidates? 10 A. I would disagree with that. No, sir. 11 Q. Tell me how. 12 A. Well, because of differences in 13 curriculums, differences in teacher 14 personality, any number of things. 15 But as I said, I've personally taught 16 students who were not successful at CSU. I 17 don't know if there were any from CVCC, but 18 I know of three definitely from CSU who did 19 not pass nursing at CSU, came to CTC, were 20 admitted, were successful, did pass boards 21 and are excellent nurses at this point. 22 Q. Let me ask you this. I know you've never 23 been in administration in a nursing school,</p>	<p style="text-align: right;">Page 116</p> <p>1 A. I've never been privy or present when that 2 was -- 3 Q. Yeah, I don't want you to speculate. 4 A. Right. 5 Q. And that would be speculation for you, 6 wouldn't it? 7 A. Right. 8 Q. Do you know the result of any grade appeals 9 that Lindy filed at CVCC? 10 A. My understanding was -- from Lindy was that 11 the appeal of whichever course she failed 12 in winter was answered through taking 13 another course and that her appeal for 14 spring was non-successful, and obviously so 15 since we're here, so ... 16 Q. Did you know she failed two courses in the 17 fall of 2005? 18 A. I don't know if I knew that or not to be 19 honest. 20 Q. As we sit here today, you do not know that; 21 is that correct? 22 A. My memory or my remembrance was that she 23 did not pass one, but I don't know or I</p>

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1 just don't remember that she did not pass  
2 two.  
3 Q. Did you know she had two grade appeals in  
4 December 2005?  
5 A. I don't know. I mean, we spoke about grade  
6 appeals in general and, you know, where to  
7 find it on the Web site and the catalog and  
8 those kinds of things, but not  
9 specifically.  
10 Q. Did you know Ms. Dumbuya when you were at  
11 CVCC?  
12 A. I did somewhat. I don't know that I ran  
13 into her as an instructor, but I also  
14 worked at St. Francis Hospital at the same  
15 time she did.  
16 Q. How long have you known Ms. Dumbuya?  
17 A. I cannot say when I first met Ms. Dumbuya.  
18 I honestly don't know. I would say five to  
19 seven years, but that's a guess just based  
20 on where I've worked.  
21 Q. I apologize to you, but I did not catch  
22 whether you did or did not know Ms. Dumbuya  
23 from CVCC.

1 it's at one of the nursing homes, but I  
2 don't know which one.  
3 Q. How do you know she just changed jobs?  
4 A. Because where she was working before, I had  
5 a friend who was an executive. And I know  
6 they had a shake-up, and my friend lost her  
7 job. And I spoke with Lindy, and she  
8 resigned and -- because of finances, that  
9 kind of thing. She resigned and told me  
10 she was going to work at one of the nursing  
11 homes.  
12 Q. So when did you find that out?  
13 A. Two weeks ago?  
14 Q. Did you talk to Lindy about the fact that  
15 she was changing jobs?  
16 A. In a conversation with her, it came up,  
17 yes, sir.  
18 Q. Was that about two weeks ago?  
19 A. I think it was about two weeks ago. Ten  
20 days ago, two weeks ago.  
21 Q. What else did you talk about with her at  
22 that time?  
23 A. This deposition, that I had been deposed.

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1 A. I knew her from St. Francis Hospital. I  
2 know she worked at CVCC. I do not know if  
3 we worked there at the same time or not.  
4 Q. Have you ever spoken with her about Lindy  
5 Wright?  
6 A. I don't remember.  
7 Q. When did you first know that Ms. Dumbuya's  
8 husband is a lawyer?  
9 A. I'm trying to remember if I knew before I  
10 got the -- went to the office. I think I  
11 knew that just from some type of general  
12 information. Until I went to be deposed, I  
13 had never met him or spoken to him or  
14 really knew who he was.  
15 Q. Are you related to Lindy Wright?  
16 A. No, sir.  
17 Q. Do you know any of her relatives?  
18 A. I met her mother once, and I've met her two  
19 sons, but that's it -- in the course of  
20 working at St. Francis or that type of  
21 thing.  
22 Q. Do you know where Lindy Wright works now?  
23 A. I know she just changed jobs, and I think

1 Q. You say you talked to her about this  
2 deposition --  
3 A. This deposition.  
4 Q. -- that was coming up?  
5 A. Right, that I had received the  
6 deposition -- the subpoena.  
7 Q. All right.  
8 A. She had changed her job. The person we  
9 knew in common, what -- that person was  
10 employed now and where, just general ...  
11 Q. Was this a conversation you had with her in  
12 person?  
13 A. I saw her probably about a week ago in  
14 person and then talked to her on the phone  
15 about 10 days ago.  
16 Q. So the conversation you had with her about  
17 being subpoenaed for this deposition today  
18 was on the telephone, correct?  
19 A. Yes, sir. I called her and told her I had  
20 received a subpoena.  
21 Q. And you talked about the other things that  
22 you've already told me about, correct?  
23 A. Uh-huh. (Positive response.)

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<p>1 Q. Yes?</p> <p>2 A. Yes, sir. I'm sorry.</p> <p>3 Q. You were real good about this at the very</p> <p>4 beginning of the deposition.</p> <p>5 A. I know. I'm, like, thinking, so I</p> <p>6 apologize.</p> <p>7 Q. That's all right.</p> <p>8 Now, a week ago, where did you see her?</p> <p>9 A. I saw her in Ms. Cooley's parking lot.</p> <p>10 Q. All right.</p> <p>11 A. She was leaving, and I was coming in, in</p> <p>12 the law office.</p> <p>13 Q. What was the day of the week? Was it a</p> <p>14 Tuesday? This is Tuesday, the 24th.</p> <p>15 A. It was either Monday or Tuesday. I don't</p> <p>16 remember which day exactly.</p> <p>17 Q. Okay.</p> <p>18 A. I know it was not Wednesday, Thursday or</p> <p>19 Friday.</p> <p>20 Q. What was your purpose for going into</p> <p>21 Ms. Cooley's office that day?</p> <p>22 A. I was taking them some copies of documents</p> <p>23 that y'all had requested. I called and</p>	<p>1 Q. Yes.</p> <p>2 A. If that was the time I talked with her</p> <p>3 about her grades, I talked with my peers at</p> <p>4 CTC, but ...</p> <p>5 Q. Okay. So you talked with your peers at</p> <p>6 Columbus Tech --</p> <p>7 A. Uh-huh. (Positive response.) About those</p> <p>8 questions, that type of thing.</p> <p>9 Q. Did you do anything else to help her in</p> <p>10 December 2005 when you met with her about</p> <p>11 Exhibit 10-A, B, C, and D?</p> <p>12 A. Not that I recall. I mean, we went through</p> <p>13 the appeal process, those types of things</p> <p>14 where it was -- and I can't remember now if</p> <p>15 it was online or getting a catalog, that</p> <p>16 she needed to do that, those types ...</p> <p>17 Q. All right. Was there ever a time when you</p> <p>18 discussed with Lindy a question about</p> <p>19 clinical care plans or care plans?</p> <p>20 A. She brought a care plan by --</p> <p>21 And I can't say if it was that time or</p> <p>22 if it was before, exactly what it was.</p> <p>23 -- that she was preparing and asked me</p>
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<p>1 asked did I need to bring them the same</p> <p>2 documents and was told yes. So I made</p> <p>3 copies of the ones that I had found up to</p> <p>4 that point and took it to their office and</p> <p>5 left them with the secretary.</p> <p>6 Q. Have you met with either Mr. Dumbuya or</p> <p>7 Ms. Cooley in preparation for this</p> <p>8 deposition?</p> <p>9 A. No, sir.</p> <p>10 Q. Have you met with Ms. Cooley or Mr. Dumbuya</p> <p>11 recently?</p> <p>12 A. No, sir. The only time I've ever met with</p> <p>13 Ms. Cooley or Mr. Dumbuya is November 1st,</p> <p>14 2006, for my deposition in their office --</p> <p>15 her office.</p> <p>16 Q. Now, when Lindy Wright came to you about</p> <p>17 her grades in December 2005 -- she talked</p> <p>18 to you about her grades, right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, did you do anything other than speak</p> <p>21 with Lindy Wright to assist her?</p> <p>22 A. When you go to -- that's called Exhibit 10</p> <p>23 I think is the number.</p>	<p>1 to look over it and see if I had any</p> <p>2 suggestions for how she could improve it.</p> <p>3 Q. Do you recall what course it was in?</p> <p>4 A. No, sir.</p> <p>5 Q. I apologize for standing up. Got a bad</p> <p>6 back.</p> <p>7 Do you recall about when that was?</p> <p>8 A. No, sir, I honestly don't.</p> <p>9 Q. Did you give her suggestions about how to</p> <p>10 improve it?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did you ever talk to her at any other time</p> <p>13 about a care plan or care plans?</p> <p>14 A. Yes, sir. I had forgotten until ...</p> <p>15 There was an occasion she told me</p> <p>16 about -- and I can't remember when she told</p> <p>17 me or what course it was in -- where a care</p> <p>18 plan was graded. She received a grade on</p> <p>19 that care plan.</p> <p>20 And then my understanding was it was</p> <p>21 regraded to a -- and she received another</p> <p>22 grade, and then they regraded again and she</p> <p>23 then received yet a third grade, if I'm</p>

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1 remembering correctly.  
2 Q. Do you recall when you spoke with her about  
3 this?  
4 A. No, sir.  
5 Q. Do you recall whether you spoke with her in  
6 person about it or on the telephone?  
7 A. No, sir.  
8 Q. Do you recall why she raised that with you?  
9 A. It would be an assumption, but that I'm an  
10 instructor and knowledgeable about grading  
11 care plans.  
12 Q. But, now, that's an assumption, right?  
13 A. That's an assumption. You'd have to ask  
14 her why she called me.  
15 Q. Have you ever talked to her about any other  
16 clinical program or any aspect of any  
17 clinical part of a course that she was  
18 taking?  
19 A. Not that I recall. I mean, I would need  
20 more information than that.  
21 Q. Have you ever -- Has she ever told you  
22 anything about any care plans or any other  
23 documents related to any part of her

1 do anything?  
2 A. Not in those circumstances, no, sir.  
3 Q. Do you consider yourself her advisor in  
4 terms of getting through nursing school?  
5 A. I considered myself her instructor.  
6 Q. But I mean now --  
7 A. And I think she still saw me in that role.  
8 Q. December of 2005, did you consider yourself  
9 her advisor in assisting her through  
10 nursing school?  
11 A. Not her advisor, no, but as --  
12 Q. What?  
13 A. She was an old student.  
14 Q. Okay.  
15 A. And I still have relations with old  
16 students and receive phone calls  
17 periodically or visits or whatever.  
18 Q. Have you ever talked to Lindy Wright about  
19 entering Columbus Tech's ADN program?  
20 A. I advised her if she wasn't successful in  
21 her grade appeals at CVCC that she then  
22 should consider applying to another  
23 program, yes, sir.

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1 clinical work that was lost or misplaced  
2 or ...  
3 A. I remember her commenting on -- that there  
4 was -- besides the paperwork that I had  
5 left in my office when I left CVCC, but  
6 that one of the instructors had lost some  
7 care plans. But I don't remember any  
8 particulars, just the general --  
9 Q. Just a comment by her?  
10 A. Uh-huh. (Positive response.)  
11 Q. Yes?  
12 A. Yes, sir.  
13 Q. Did you take any action on her behalf  
14 relative to the loss-- the alleged loss of  
15 the care plan?  
16 A. I'm not sure what you're referring to when  
17 you say action.  
18 Q. Action means doing something. Did you do  
19 anything on her behalf or for her relative  
20 to anything she told you about a care plan  
21 or care plans being lost?  
22 A. Not that I remember.  
23 Q. I mean, is there any reason why you would

1 Q. Do you know whether Lindy Wright has  
2 applied to another program?  
3 A. To my knowledge, no, but ... no, not that  
4 I'm aware of.  
5 Q. She has not applied to Columbus Tech?  
6 A. Not to my knowledge, no, sir.  
7 Q. Do you know whether she would be accepted  
8 if she did apply to Columbus Tech's ADN  
9 program?  
10 A. I do not know because of what the  
11 qualifications are, and I don't know what  
12 Lindy's -- you know, she would take a  
13 different test for Columbus Tech, COMPASS  
14 scores, et cetera, and get the  
15 determination. What the criteria for  
16 Columbus Tech is, is very different than  
17 what it is for CVCC.  
18 Q. Have you ever made a telephone call on  
19 Lindy Wright's behalf?  
20 A. As far as her grades are concerned or --  
21 Q. As far as any aspect of her schooling,  
22 studies or work at CVCC.  
23 A. To my recollection, no.



<p style="text-align: right;">Page 129</p> <p>1 Q. Have you ever called an instructor of hers</p> <p>2 for any reason -- an instructor from CVCC?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Have you ever called a clinical instructor</p> <p>5 as opposed to a classroom lecturer from</p> <p>6 CVCC on behalf of Lindy Wright?</p> <p>7 A. Not that I recall, no, sir.</p> <p>8 Q. Is there any reason you can think of why</p> <p>9 you would do that?</p> <p>10 A. If I had been on friendly terms with or</p> <p>11 whatever to discuss, but that would be the</p> <p>12 only -- and as far as I know, I didn't</p> <p>13 really know any of her clinical</p> <p>14 instructors. I don't know who she had.</p> <p>15 Q. Do you blame anyone other than Lindy,</p> <p>16 Ms. Gunnels, for her failing out of the ADN</p> <p>17 program at CVCC?</p> <p>18 A. Could you restate that?</p> <p>19 Q. Do you blame anyone other than Lindy for</p> <p>20 Lindy failing out of the ADN program at</p> <p>21 CVCC?</p> <p>22 A. That implies that I do blame Lindy, which I</p> <p>23 would say I don't blame Lindy or anyone. I</p>	<p style="text-align: right;">Page 131</p> <p>1 issues.</p> <p>2 Q. Would you please tell me what that</p> <p>3 combination of issues is comprised of.</p> <p>4 A. Well, I know that Ms. Bellamy and I</p> <p>5 resigned and left CTC [sic] August 31st,</p> <p>6 2005, which if I'm not mistaken was the</p> <p>7 RNs' first class day, and that there was</p> <p>8 some time period where there was not</p> <p>9 stability in some of the instruction. And</p> <p>10 then also, I know there was a lot of unrest</p> <p>11 on campus and within the nursing students</p> <p>12 and nursing division.</p> <p>13 Q. Now, when you say that you and Ms. Bellamy</p> <p>14 resigned August 31, 2005, how did that</p> <p>15 affect Lindy Wright's grade?</p> <p>16 A. Well, I think the turmoil and upheaval and</p> <p>17 not having the instructor that wrote the</p> <p>18 syllabus being the instructor that</p> <p>19 completed the semester -- I know they had</p> <p>20 some guest lecturers, some lecture by</p> <p>21 long-distance, those types of things. And</p> <p>22 the campus was in somewhat of an upheaval,</p> <p>23 also, at that point.</p>
<p style="text-align: right;">Page 130</p> <p>1 don't think that the way the fall</p> <p>2 quarter -- fall semester 2005 began was</p> <p>3 particularly a good situation for</p> <p>4 students. And I think that was kind of a</p> <p>5 not-positive-environment semester for any</p> <p>6 of the students at that point just from</p> <p>7 what I know of it, but I don't blame</p> <p>8 anyone.</p> <p>9 Q. Do you believe that anyone is responsible</p> <p>10 other than Lindy Wright for her failing out</p> <p>11 of the ADN program at CVCC?</p> <p>12 A. From what I know of the situation, I don't</p> <p>13 blame --</p> <p>14 Q. I said responsible.</p> <p>15 A. Don't hold anyone responsible for.</p> <p>16 Q. For her failing out of the ADN program,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Does that include Lindy? I mean, you don't</p> <p>20 hold Lindy responsible for her failing out</p> <p>21 of the ADN program there at CVCC?</p> <p>22 A. I would have to say with the situation as I</p> <p>23 know it, I think it was a combination of</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Do you know how long it was before you and</p> <p>2 Ms. Bellamy were replaced with other</p> <p>3 permanent instructors?</p> <p>4 A. I could not tell you exactly, no, sir.</p> <p>5 Q. Full-time instructors, maybe that's a</p> <p>6 better term.</p> <p>7 A. No, sir.</p> <p>8 Q. You do not know?</p> <p>9 A. I don't know a time frame, no, sir.</p> <p>10 Q. What day did you leave CVCC?</p> <p>11 A. August 31, 2005.</p> <p>12 Q. The same day you turned in your</p> <p>13 resignation, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And there was no advance notice given by</p> <p>16 you, was there, that you were going to</p> <p>17 resign?</p> <p>18 A. In the circumstances, A, I had not signed a</p> <p>19 contract and informed them that I was not</p> <p>20 going to sign a contract if it did not have</p> <p>21 certain parameters in it, and that I was</p> <p>22 asked not to go to my classroom on that day</p> <p>23 of class.</p>

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<p style="text-align: right;">Page 133</p> <p>1 I had initially written a resignation                  2 with a date two weeks to one month after                  3 that date, but after my interaction with                  4 some of the administrative staff at CVCC, I                  5 felt that it was wise to leave on that day.                  6 Q. Why had you not signed a contract?                  7 A. The primary reason was that the years of                  8 experience that I had, had not been                  9 addressed in the contract would be the                  10 primary reason that I did not sign a                  11 contract.                  12 Q. Would you explain that to me.                  13 A. I graduated from nursing school in June of                  14 1972, and I had at that point in time 33 or                  15 34 years of nursing experience, and the                  16 fact that I was only being given credit one                  17 semester, I think it was, 13 years and the                  18 second semester it had gone down to six                  19 years of credit for that nursing experience                  20 as far as salaries went -- or what contract                  21 I was offered.                  22 Q. When you say in the first semester you were                  23 given credit for 13 years, that would have</p>	<p style="text-align: right;">Page 135</p> <p>1 First off, I've never had a company or an                  2 organization who hired me ask me to prove                  3 my own work experience. I expressed that                  4 and was told that, you know, just to get                  5 it.                  6 So Katie Lackey, who was our                  7 administrative assistant at that point,                  8 designed a form that we faxed off. I                  9 needed to prove 25 years experience. And                  10 some of those were returned, some were                  11 not.                  12 At some point in time, I was told that                  13 that was not the correct format, that they                  14 wanted it on organization letterhead. It                  15 couldn't be on the form we had sent out and                  16 asked organizations to fill out, and that I                  17 needed to redo the validation of my                  18 employment.                  19 Q. What kind of employment were you seeking to                  20 get verification of?                  21 A. All full-time nursing employment up to a                  22 total of 25 years I believe it was, was the                  23 maximum.</p>
<p style="text-align: right;">Page 134</p> <p>1 been the spring semester of 2005, right?                  2 A. I believe that would have been the summer                  3 of 2005. It was fall 2005 that was the six                  4 years.                  5 Q. Got you. So was the summer of 2005 your                  6 first full-time work as a professor there,                  7 instructor at CVCC?                  8 A. I was a full-time temporary instructor,                  9 yes, sir.                  10 Q. In the summer of 2005, right?                  11 A. Yes, sir.                  12 Q. And that was your first full-time                  13 employment at CVCC, correct?                  14 A. Yes, sir.                  15 Q. For that summer of 2005, you were given 13                  16 years credit; is that right?                  17 A. Yes, sir.                  18 Q. Do you know how that was figured?                  19 A. Yes, sir.                  20 Q. How?                  21 A. There was -- and you've got copies of it.                  22 In June of 2005, I was instructed to get                  23 written proof of my past work experience.</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. And when you say all full-time nursing                  2 employment, you're not including teaching,                  3 are you?                  4 A. I had never taught anywhere full-time I                  5 don't believe up to that point. It was                  6 full-time nursing experience.                  7 Q. Do you know why this was necessary for you                  8 to get this verification?                  9 A. Oh, I understand why it was necessary. The                  10 salary scale was that -- based on years                  11 experience, and I'm quite accustomed to                  12 having my employment verified. I've just                  13 never been asked to personally approach                  14 organizations and request verification of                  15 my employment.                  16 Q. Really? You've never had any organization                  17 you've worked for write and seek                  18 verification --                  19 A. Oh, yes.                  20 Q. -- of prior employment?                  21 A. I've had them do that. I've never had them                  22 to ask me to contact and ask them to send                  23 employment -- I'm very accustomed and</p>

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1 expect for my work experience to be  
2 validated, but typically that's an HR  
3 function.

4 And I expressed during a meeting -- at  
5 least once -- that I saw that being fraught  
6 with problems, that you would have someone  
7 verify their own employment and provide  
8 that verification to you.

9 Q. Did you resign because you were required to  
10 send off a form or to seek a written  
11 verification of your prior employment?

12 A. No, sir.

13 Q. Tell me why you left on August 31, 2005,  
14 without any kind of prior notice.

15 A. Well, there had been some prior notice, but  
16 nothing in writing. August --

17 Q. Stop there and tell me what prior notice.

18 A. We need to back up further to -- if you  
19 want to do that to March of 2005. I had  
20 sought full-time employment at CVCC once  
21 and had been offered a position. At that  
22 point in time -- and that was back in  
23 2004. That would have been such a drastic

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1 paycut that I could not accept it.

2 I spent that time doing some things  
3 financially to put myself in a position  
4 where I could teach full-time and take that  
5 salary cut and for a time period had been  
6 attempting to gain full-time employment at  
7 CVCC since that's where I had taught and  
8 had experience teaching at that  
9 organization the students.

10 Since that was not successful, I  
11 applied at Columbus Technical College in  
12 February or March of 2005 and was offered  
13 full-time employment there which I  
14 accepted. I informed Ms. Peterson that I  
15 was accepting full-time employment at  
16 Columbus Technical College and due to their  
17 non-compete clause, I would no longer be  
18 available after the end of spring  
19 quarter -- spring semester to -- spring  
20 semester to teach classes for CVCC. She  
21 informed Dr. Blackwell and Dean Lowe at the  
22 end of March of that.

23 Subsequent to that, I had several

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1 meetings with Dean Lowe, potentially with  
2 Dr. Blackwell -- I can't remember exactly,  
3 but I know with Dean Lowe and with  
4 Ms. Peterson. Was asked to come temporary  
5 full-time to CVCC because otherwise, there  
6 really wasn't an instructor to take on my  
7 teaching load.

8 I approached the administration of CTC  
9 and got from them -- received from them a  
10 one-year grace period to teach for CVCC and  
11 that I would have a position when I came  
12 back to CTC in May, June of 2006, that I  
13 would teach this one ADN class.

14 Q. So you're saying that you had intended to  
15 go back to Columbus Tech the whole time?

16 A. Well, I was told I would not be offered a  
17 full-time contract at CVCC. And I may be a  
18 little slow, but it only takes two years of  
19 denying me full-time employment for me to  
20 figure out that I'm not going to get  
21 full-time employment.

22 Q. I thought you had full-time employment.

23 A. Full-time temporary. There's a

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1 difference. And I really -- based on my  
2 prior relationship with Ms. Peterson and  
3 with knowing what a large number of  
4 students that were going to be in that ADN  
5 class, wanted them to have a successful  
6 year and did not want to leave the college  
7 shorthanded, so I --

8 Q. Had you already accepted at Columbus  
9 Tech --

10 A. Yes, sir.

11 Q. -- full-time employment?

12 A. I had an office.

13 Q. What was the salary there?

14 A. It was less than CVCC. I think I started  
15 at -- I either started at fifty or 55,000  
16 at CTC. I can't remember.

17 Q. What did you start at full-time at CVCC?

18 A. Well, I never received the appropriate  
19 salary, so I don't really remember. It's  
20 in the contract what I was paid for the one  
21 semester that I did sign a temporary  
22 contract for the summer and provided that  
23 I -- that I was signing this contract

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<p>1 knowing my hours were not correct and that</p> <p>2 my expectation would be once, you know,</p> <p>3 that was -- validation of employment was</p> <p>4 provided, that the contract would be</p> <p>5 adjusted appropriately, provided what when</p> <p>6 reading the letter from Ms. Boone I had</p> <p>7 thought was appropriate validation of my</p> <p>8 employment.</p> <p>9 But then met with Dr. Blackwell, Dean</p> <p>10 Lowe, I believe Ms. Peterson was present,</p> <p>11 Ms. Bellamy, Ms. Gruber on the Friday</p> <p>12 before August the 31st, announced my</p> <p>13 intention that I would not be signing a</p> <p>14 contract if I was not offered the</p> <p>15 correct -- you know, if the contract did</p> <p>16 not represent my professional experience.</p> <p>17 And it was more a point of honor and</p> <p>18 professionalism than it was dollars, as</p> <p>19 obviously I took a position making less</p> <p>20 than what I was entitled to at CVCC. That</p> <p>21 was on a Friday. I announced, you know --</p> <p>22 I mean, I said I would not sign an</p> <p>23 incorrect contract.</p>	<p>1 resignation and I think I gave two weeks'</p> <p>2 notice. It might have been a month.</p> <p>3 Had a further interaction with Dean</p> <p>4 Lowe, and based on not being allowed to</p> <p>5 enter my classroom and the conversation</p> <p>6 that I had with Dean Lowe changed the date</p> <p>7 to that current date and delivered it to</p> <p>8 Ms. Peterson who was absent from campus</p> <p>9 that day and to Dr. Blackwell and Dean</p> <p>10 Lowe.</p> <p>11 (Defendant's Exhibit 24 was marked</p> <p>12 for identification.)</p> <p>13 Q. Ms. Gunnels, let me show you what I have --</p> <p>14 I just got it off the computer last night.</p> <p>15 I assume it's correct. It purports to be a</p> <p>16 2005 calendar. If I hear you correctly --</p> <p>17 Okay. Look at that and tell me if that</p> <p>18 looks right to you. Look at August. I</p> <p>19 mean --</p> <p>20 A. That's what I'm trying to get down to.</p> <p>21 Q. That's the operative month.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Now, if I understand you correctly, you</p>
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<p>1 I was ill on Monday and Tuesday of that</p> <p>2 week and had called and spoke to the</p> <p>3 administrative assistant. Came to class on</p> <p>4 Wednesday, August the 31st, assuming that I</p> <p>5 would be teaching that day. Met with a</p> <p>6 couple of the students before I went down</p> <p>7 to class.</p> <p>8 As I was walking to class, I met</p> <p>9 Dr. Lowe in the hall who basically stated I</p> <p>10 was not allowed to enter my classroom and</p> <p>11 that a substitute teacher had been -- was</p> <p>12 there and was going to teach. I gave him</p> <p>13 the syllabus, the handouts, et cetera, and</p> <p>14 he told me he would be back up to speak</p> <p>15 with me.</p> <p>16 At that point in time, based on the</p> <p>17 tone of our conversation, et cetera, I went</p> <p>18 back to my office, found a contract with</p> <p>19 Dr. Blackwell's signature on it and a</p> <p>20 note -- I believe it was from Dr. Lowe --</p> <p>21 stating that this is the contract that I</p> <p>22 was going to be offered. And at that point</p> <p>23 in time, I sat down and wrote out a</p>	<p>1 were in a meeting the Friday before August</p> <p>2 31.</p> <p>3 A. Yes, sir.</p> <p>4 Q. And that would be August 26?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And who was in that meeting?</p> <p>7 A. Dr. Blackwell, Dean Lowe, I believe</p> <p>8 Ms. Peterson was there, Ms. Gruber -- and</p> <p>9 that's G-R-U-B-E-R -- and Ms. Bellamy.</p> <p>10 Q. All right. What did y'all talk about?</p> <p>11 A. Talked about the difficulties in the</p> <p>12 nursing division in recruiting staff,</p> <p>13 talked some about Ms. Gruber had a</p> <p>14 particular situation. We discussed the</p> <p>15 verification of employment. And I know</p> <p>16 they have minutes, so I think they can</p> <p>17 answer that a lot better than I could, but</p> <p>18 those are the things that stand out and I</p> <p>19 remember.</p> <p>20 Q. What makes you think they have minutes?</p> <p>21 A. If I'm -- I know other people took notes,</p> <p>22 and typically they take minutes during</p> <p>23 these or, you know, have notes. I didn't</p>



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1 keep any notes or anything of that nature.  
 2 Q. Was it a meeting that was held every Friday  
 3 or periodically?  
 4 A. No. This was a special meeting.  
 5 Q. I mean, are you saying that someone was  
 6 appointed to be secretary?  
 7 A. No, sir. I was just saying I did not take  
 8 minutes, did not keep minutes. Remember  
 9 some of the conversations. Can't remember  
 10 if there was a computer -- a computer, a  
 11 recorder present in the room, which on  
 12 occasion there were. I don't know.  
 13 Q. So you don't know if anyone really kept  
 14 minutes?  
 15 A. Oh, no, sir. That was not what I was -- I  
 16 should have said notes.  
 17 Q. You didn't keep any?  
 18 A. (Witness shakes head from side to side.)  
 19 If I did, I did not keep those notes.  
 20 Q. Do you know anybody specifically who did  
 21 keep notes?  
 22 A. I know that people wrote on tablets. What  
 23 they were writing, what they have, I don't

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1 know.  
 2 Q. You don't remember who, right, who was  
 3 writing?  
 4 A. No, sir.  
 5 Q. What was said about the difficulties in the  
 6 nursing division?  
 7 A. The nursing division -- There's a nursing  
 8 shortage, and there's even a greater  
 9 shortage of master's-prepared nurses which  
 10 are required by the State Board of Nursing  
 11 to -- and the NLN to teach nursing.  
 12 There were, in essence, three  
 13 instructors for -- I don't remember how  
 14 many freshmen were coming in then, but  
 15 somewhere close to -- a guesstimate is a  
 16 hundred students, 90 to a hundred students  
 17 total. It could have been a little bit  
 18 more, a little bit less.  
 19 And I was temporary part-time.  
 20 Ms. Gruber was not allowed to teach in the  
 21 classroom because she didn't have a  
 22 master's, and I know those types of issues  
 23 were discussed.

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1 Q. Any solution to them or any plan about what  
 2 to do about it?  
 3 A. Not that I remember.  
 4 Q. Did you know the status of that same  
 5 situation at other schools, nursing  
 6 schools?  
 7 A. Not to that degree, but it was that common  
 8 that -- it was hard to acquire master's-  
 9 prepared instructors, that was a known  
 10 fact, yes, sir.  
 11 Q. Now, what was said about recruiting staff  
 12 or recruiting, if anything?  
 13 A. I just know we talked about the difficulty.  
 14 Q. And then what was said about verification  
 15 of employment?  
 16 A. And, again, I wish I had known people were  
 17 going to ask me questions about this  
 18 because I would have kept notes.  
 19 I believe that that came up as an  
 20 issue. We were discussing that.  
 21 Ms. Debbie Boone came in, if I'm not  
 22 mistaken, or some information was provided  
 23 that were worksheets that she had done and

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1 that she was now saying that the form that  
 2 we had designed would not meet the needs  
 3 and that we needed to --  
 4 And I think Ms. Bellamy was in -- well,  
 5 I don't think. I know some of her work,  
 6 according to her -- she was having some of  
 7 the issues, also.  
 8 And let me just -- that I personally  
 9 would need to go back and re-verify the  
 10 majority of my employment. And I expressed  
 11 that if I was going to be teaching a number  
 12 of classes and hours and the students I was  
 13 going to be teaching, I was not going to  
 14 have time to do that and did not really  
 15 feel it was appropriate for me to be doing  
 16 that.  
 17 Q. Why were you going to have to verify the  
 18 years of employment?  
 19 A. Because it was not on the hospital or  
 20 organization's letterhead. It was on  
 21 CVCC's letterhead where we had designed the  
 22 form. So people had said worked here  
 23 from -- and you've got copies.

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1 Q. So you're saying that you had all of the  
2 verification, it just wasn't on the right  
3 form?  
4 A. The majority of it, yes, much more than six  
5 years.  
6 Q. Are you familiar with the requirements in  
7 terms of getting that kind of information?  
8 A. You would have to elaborate.  
9 Q. The requirements of the school needing that  
10 information before it can --  
11 A. I know what was sent to me in a letter and  
12 then told to me in one meeting.  
13 Q. Were you told that you would receive some  
14 type of credit for your nursing experience?  
15 A. Yes, sir.  
16 Q. Explain what you were told.  
17 A. I was told that I would receive one year  
18 teaching experience for each year of  
19 nursing experience. And at that point, I  
20 had over 30 years of nursing experience.  
21 Q. You understood that it had to be a whole  
22 year of nursing experience, correct --  
23 A. (Witness nods head up and down.)

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1 that.  
2 A. And that's what I'm referring to at this  
3 point.  
4 Q. Do you mind comparing them and see and  
5 getting everything right, and then I've got  
6 some other stuff over here that I don't  
7 know if that's -- I know that's yours right  
8 there.  
9 A. Yes, that's what I just gave you this  
10 morning, yes, sir, and answered the items  
11 on the subpoena.  
12 Q. And I know that over here, this is stuff --  
13 I think I have this. I don't know. Do you  
14 want to look at it real quick?  
15 A. I mean, I can look at it -- if you want to  
16 just fan through it, I'll tell you if it's  
17 anything I brought you.  
18 Q. I don't remember seeing some of that.  
19 A. The front looks familiar, but that's not  
20 necessarily my subpoena. It's somebody's  
21 subpoena.  
22 Q. Yeah, that's your subpoena. Look at it  
23 real quickly and tell me if you brought

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1 Q. -- for you to get a year credit of teaching  
2 experience, correct?  
3 A. Yes, sir.  
4 Q. If you got a year as credit of teaching  
5 experience from having worked a year as a  
6 nurse, then that put you in a different pay  
7 category --  
8 A. Yes, sir.  
9 Q. -- or if you got enough of those years  
10 credit; would that be correct?  
11 A. Yes. There's a copy of the pay scale.  
12 From this amount to this amount, you're on  
13 this grade or scale; from this amount to  
14 this amount, you receive -- so based on  
15 your years experience, your salary did  
16 change.  
17 MR. NIX: Can we take a real quick  
18 break?  
19 Q. And one thing I'd like to do, I would like  
20 to kind of compare what you brought to what  
21 I'm looking at over here because I think  
22 I've got it all messed up and confused.  
23 That's one thing right there. I've got

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1 that with you today.  
2 A. You asked for my education. You asked for  
3 my resume.  
4 Q. Right.  
5 A. You asked for what I had passed out in  
6 271. You asked for any other course I  
7 started teaching that year. You asked for,  
8 I think in particular, NUR 272 from when I  
9 had taught it before.  
10 Q. All right.  
11 A. My license.  
12 Q. All right.  
13 A. Anything I had that had anything to do with  
14 the class that Lindy Wright was in. That's  
15 just a contact list.  
16 Q. Okay.  
17 A. And I gave you two copies of my transcript  
18 because I was really proud of it.  
19 Q. All right. Is there anything else then  
20 that you've brought other than this  
21 packet over here that --  
22 A. You have copies of everything else, so  
23 those were the only things that ...

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1 Q. This one packet that Brandy is doing.  
2 A. Uh-huh. (Positive response.)  
3 (Brief recess was taken.)  
4 (Defendant's Exhibits 25 and 26  
5 were marked for identification.  
6 MR. NIX: I have re-marked a  
7 couple of things just for  
8 identification purposes so  
9 it's more clear.  
10 I have re-marked what  
11 we've been referring to as  
12 Exhibit 10-A through D as  
13 Defendant's Exhibit 25 -- 10-A  
14 through D.  
15 And then I've marked as  
16 Defendant's Exhibit 26 what  
17 we've been referring to as  
18 your pediatric notes, G-1  
19 through G-22. That's 26.  
20 (Brief interruption.)  
21 Q. Exhibit 24 is this calendar for the year  
22 2005.  
23 A. Yes, sir.

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1 Q. August 26th is the Friday that you were  
2 involved in the meeting where you were  
3 discussing various things that were going  
4 on. I'm just going to circle that August  
5 26th day because it's easier to spot when  
6 you do that.  
7 You said you were out sick August 29th  
8 and 30th; is that correct?  
9 A. Yes, sir.  
10 Q. And that August 31 was the day you  
11 resigned; is that right?  
12 A. Yes, sir.  
13 Q. And you said that Dean Lowe told you not to  
14 go to your class; is that right?  
15 A. Yes, sir.  
16 Q. That was on August 31?  
17 A. Yes, sir.  
18 Q. And do you know why he told you that?  
19 A. He either explained to me at that point or  
20 told me in a subsequent meeting that  
21 because of the meeting on Friday and that I  
22 had not come to work on Monday and Tuesday  
23 that they were unsure or had assumed that I

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1 would not be at work on the 31st, and there  
2 was a guest lecturer.  
3 I told him that was okay. I knew the  
4 guest lecturer and would go down there and  
5 listen with the students and, you know,  
6 pass out my syllabi, et cetera, et cetera.  
7 He said, no, I'm asking you not to go to  
8 your class or words to that effect.  
9 Q. Do you recall what the first day of the  
10 fall semester was?  
11 A. It would have been that Monday, the 20 ...  
12 Q. Third?  
13 A. The 29th, I believe.  
14 Q. Oh, really?  
15 A. The 31st was the first time I would have  
16 met with the ADN students.  
17 Q. All right. So your recollection is that  
18 the first day of class that semester would  
19 be August 29?  
20 A. That would have been the first time I would  
21 have been scheduled to meet with the ADN  
22 students, I believe, in the classroom.  
23 That's when I had the syllabi, et cetera,

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1 so --  
2 Q. Would there have been other meetings that  
3 were supposed to have been held prior to  
4 August 29, 2005, for that particular class,  
5 whether in the classroom or not?  
6 A. I cannot answer that. I don't recall. I  
7 just know that was when I was meeting them  
8 in the classroom with the syllabi.  
9 Q. I mean, would there have been a clinical or  
10 anything like that?  
11 A. There could have been. There could have  
12 been. I don't remember.  
13 Q. But what you're saying is that the 31st was  
14 the first day of class for the purpose of  
15 regular class and lecture?  
16 A. Of lecturing as I recall, yes, sir.  
17 Q. It would be incorrect to say that the first  
18 day of class was August 17?  
19 A. I could not say that was incorrect or  
20 correct. As I said, what I remember is  
21 August 31st going down to my classroom and  
22 being stopped.  
23 Q. Okay. You see that August 17 is two

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1 Wednesdays before August 31. Do you see  
2 that?

3 A. Yes, sir.

4 Q. Isn't it correct that August 17 was the  
5 first day of class?

6 A. I don't recall. I don't remember what was  
7 occurring the two weeks before the 31st.  
8 (Inaudible discussion.)

9 COURT REPORTER: I didn't hear any  
10 of that.

11 A. So, obviously, we would have had an  
12 opportunity to meet the 24th. I don't  
13 recall meeting with the students or not  
14 meeting with them or whatever. But the  
15 31st was when I went down to lecture with  
16 the syllabi and handouts when I was stopped  
17 by Dean Lowe.

18 Q. Our whispers have determined that it was  
19 August what?

20 A. I believe the 23rd was what I heard.

21 MS. PRICE: It was the 21st --

22 A. The 21st was a Sunday, and I don't think  
23 we --

1 you were not going to be there because you  
2 were sick. Am I right about that?

3 A. That's not what I said.

4 Q. I'm wrong about that.

5 A. Yes, sir.

6 Q. Tell me what you said again. I apologize.

7 A. Okay. That I had called out on the 29th  
8 and spoke with Katie Lackey and told her I  
9 probably would also be sick on the 30th,  
10 but I would be there on the 31st.

11 I called on the 30th and left a message  
12 that I was still ill. What I did not know  
13 was Katie Lackey obviously was not there on  
14 that day also. And that Dean Lowe stopped  
15 me on the 31st and stated we weren't sure  
16 if you were going to come to class,  
17 dah-dah-dah, dah-dah --

18 THE WITNESS: I don't know. Can  
19 you do dah-dah-dah, dah-dah?

20 A. -- and asked me not to go to my classroom.

21 Q. Because there was a guest lecturer there,  
22 correct?

23 A. (Witness nods head up and down.) And that

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1 Q. I thought it was the 17th.

2 A. We didn't usually have classes on Sunday,  
3 so I'm assuming --

4 Q. All right. Well, we don't know really I  
5 guess is what we're saying.

6 A. I don't know when the semester started.

7 Q. Let me ask you this.

8 A. I know August 31st I was going down to meet  
9 with my class.

10 Q. Had you been out sick any other days in  
11 that fall semester of 2005 before August  
12 29?

13 A. I do not believe so, no, sir.

14 Q. Had you been out any other days during the  
15 term of the -- during the fall term prior  
16 to August 29, out for any reason?

17 A. You're saying the 29th would be --

18 Q. You had said the 29th and 30th you were out  
19 sick.

20 A. That's what I remember.

21 Q. And the 31st, you met class -- or you were  
22 going to meet class and they had a guest  
23 lecturer because Dean Lowe had been told

1 he had determined, assumed, whatever, that  
2 I wasn't going to be here. And I said, I  
3 am. He said, I don't want you to go down  
4 there, you know, please wait.

5 Q. Was it your understanding that he wanted  
6 the guest lecturer to proceed and did not  
7 want an interruption in that class?

8 A. No, sir. Class hadn't started at that  
9 point.

10 Q. Well, he wanted the guest lecturer because  
11 he had already -- or someone had already  
12 lined up the guest lecturer, they wanted to  
13 allow the guest lecturer to lecture the  
14 class?

15 A. You'd have to ask him.

16 Q. Did he not say that to you?

17 A. He said, we have a guest lecturer, words to  
18 the effect, you don't need to go down  
19 there. I said, well, that's okay. I know  
20 the guest lecturer and I have these  
21 things. He said, I don't want you to go  
22 down there. I will take those down for  
23 you.



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1 Q. Who was the guest lecturer?  
2 A. Pat Fuggatt.  
3 Q. Is that a male or a female?  
4 A. That would be a female.  
5 Q. Spell Fuggatt.  
6 A. F-U-G-G-A-T-T. I'm not positive about the  
7 T's.  
8 Q. Is Pat Fuggatt qualified to be a guest  
9 lecturer in that course?  
10 A. I would probably say Pat Fuggatt was  
11 qualified -- or I would say she was  
12 qualified to be a guest lecturer. What she  
13 was asked to speak on was not appropriate  
14 at that point in time, and I remember now I  
15 expressed that to Dean Lowe.  
16 But at that point in time, she was the  
17 assistant nurse manager or clinical  
18 coordinator of labor and delivery at The  
19 Medical Center.  
20 Q. So Pat Fuggatt was qualified. It was just  
21 that on August 31, the subject matter she  
22 was discussing was not appropriate for the  
23 time frame in that semester, is that right?

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1 A. Yes, sir.  
2 Q. Did Dean Lowe, was he pleasant, polite when  
3 he said you don't need to go to class?  
4 A. He was polite. I would not say pleasant.  
5 Q. Now, you say you had already drafted a  
6 letter of resignation at that time?  
7 A. No, sir. I went down -- I went over to my  
8 office after speaking with him and drafted  
9 a letter of resignation.  
10 Q. On August 31?  
11 A. Yes, sir.  
12 Q. That letter of resignation was turned in  
13 when?  
14 A. Well, the original letter was never turned  
15 in.  
16 Q. All right. Tell me about that.  
17 A. I drafted a letter which basically says the  
18 same things as the letter you have in your  
19 possession now says. Based on  
20 interactions -- but the date was either two  
21 or four weeks from August 31st. After  
22 further interaction, I changed that date.  
23 Q. What further interaction are you talking

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1 about?  
2 A. Dean Lowe came back to my office -- can I  
3 back up for one second?  
4 Q. Yeah.  
5 A. When I went back to my office -- I cannot  
6 remember. I don't think I had opened the  
7 envelope with the current contract offering  
8 in it before I saw him or after the first  
9 time, but did see it before I saw him the  
10 second time, which based on interacting  
11 with him and seeing the contract that was  
12 offered to me was what prompted me to write  
13 the resignation and then to change the  
14 date.  
15 He came back, and we had some other  
16 conversation. And I think that is when he  
17 told me that Katie had been out, so nobody  
18 knew I had called in and confirmed on that  
19 Tuesday that I was, indeed, still ill, but  
20 that I would be in class on Wednesday.  
21 I believe I verbalized to him at that  
22 point I would not sign the contract and  
23 that I would be resigning at that point.

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1 Q. Tell me again why you would not sign the  
2 contract.  
3 A. It was incorrect as far as my years of  
4 experience. And then also -- But the  
5 reason I resigned was not so much because  
6 of the incorrect contract, because I just  
7 would have refused to keep signing it and  
8 would have negotiated more and they would  
9 have either fired me or, you know,  
10 whatever, but it was more based on the  
11 interactions that I had with him.  
12 Q. After that?  
13 A. (Witness nods head up and down.)  
14 Q. After the --  
15 A. When he stopped me from going to my  
16 classroom and when I had a conversation  
17 with him after that.  
18 Q. Tell me about that conversation.  
19 A. I cannot remember the particulars, but it  
20 basically was the culmination of the  
21 meeting on Friday and having stated that I  
22 wouldn't sign the contract, that being  
23 prohibited in my opinion from going to my

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<p>1 class -- those issues, and just the general 2 atmosphere on campus and lack of support. 3 Q. That's all stuff you said to him, right? 4 A. Yes, sir. You asked me why did I resign. 5 Q. Right. I thought you said you resigned 6 because of interaction you had with him 7 after he told you not to go to your class 8 and after you went to your office and after 9 you had written the resignation that gave 10 two weeks' notice. 11 A. Uh-huh. (Positive response.) 12 Q. Am I right about that? 13 A. I think you're correct. 14 Q. And then after that, you had some more 15 interaction with Dean Lowe, correct? 16 A. Correct. 17 Q. And you were saying that's why you 18 resigned? 19 A. That's why I changed the date. 20 Q. To an immediate resignation? 21 A. Right. 22 Q. So what you just told me was a bunch of 23 stuff that you said to him; is that right?</p>	<p>1 A. Yes, sir, those were primarily the first 2 words out of his mouth when -- 3 Q. And then he came up and y'all talked a 4 second time? 5 A. Some more. 6 Q. Tell me what was said. 7 A. Basically, the same information. We 8 discussed the contract. We discussed his 9 stopping me from going to my classroom. 10 That is when he told me that -- I believe 11 that's when he told me Katie was absent and 12 so he had not known or they had not known 13 that I was going to be there on Wednesday 14 and had gotten the guest lecturer. And I 15 can't remember any other particulars 16 besides that. 17 Q. Let me show you what I'm going to mark as 18 Defendant's Exhibit 28. 19 (Defendant's Exhibit 28 was marked 20 for identification.) 21 Q. It's a group of documents you brought with 22 you today. I would ask you to take a look 23 at it if you would. I want you to go</p>
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<p>1 A. I told you some things he said also. 2 Q. Tell me, then, what he said, because I 3 didn't hear it. 4 A. Primarily what he said, again, was that -- 5 you know, when he initially stopped me from 6 going into my classroom, came back and 7 confirmed he did not want me entering my 8 classroom teaching or interacting with 9 students on that morning that -- 10 Q. Now, this is in the second conversation 11 with him? 12 A. Yes, sir, when he came back upstairs, I 13 believe. 14 Q. He told you that the first time. 15 A. The first time he stopped me from entering 16 my classroom or going to my classroom, 17 asked me to go back to my office and he 18 would come back and talk with me after he 19 had taken -- 20 Q. So he didn't tell you don't go to your 21 class the first time? 22 A. Yes, sir. 23 Q. He did tell you --</p>	<p>1 through it and tell me what each one of 2 those things are. Look at this. Was that 3 in there? 4 A. That was in this, yes, sir. 5 Q. Is it in there now? Is this an extra copy 6 that we have of it? 7 A. It would go right here, I believe. I don't 8 believe there's a copy in here. 9 Q. There was also the letter from 10 Dr. Blackwell, too? 11 A. Yes. 12 Q. This was also in that package? 13 A. That was just single -- That was basically 14 a letter that was sent out to all faculty 15 members. When I was looking through my 16 things, I found it. 17 Q. If you would, go through and tell me what 18 each of these things are. 19 A. The first document is an intent to employ 20 that was posted at CVCC, posted April 11th, 21 2004, looking for a nursing instructor. 22 Q. We're talking Defendant's Exhibit 28 now, 23 correct?</p>

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<p style="text-align: right;">Page 169</p> <p>1 A. Pardon?</p> <p>2 Q. Defendant's Exhibit 28, correct?</p> <p>3 A. Correct.</p> <p>4 Q. The first one is intent to employ. Second</p> <p>5 page?</p> <p>6 A. The second page is a letter from Debbie</p> <p>7 Boone telling me that in order to satisfy</p> <p>8 legal requirements imposed, the nursing</p> <p>9 instructor search was being re-advertised</p> <p>10 in an effort to augment the current</p> <p>11 applicant pool and that I did not need to</p> <p>12 reapply.</p> <p>13 Q. Was that letter correct? Anything wrong</p> <p>14 with that letter or anything that occurred</p> <p>15 after that letter that relates to it?</p> <p>16 A. That letter? As far as I know, not, sir.</p> <p>17 Q. Go to the next thing.</p> <p>18 A. The next one is an e-mail from myself to</p> <p>19 Debbie Boone that says --</p> <p>20 Q. What's the date on it, please?</p> <p>21 A. September the 9th.</p> <p>22 Q. Of what year?</p> <p>23 A. 2004. I'm sorry.</p>	<p style="text-align: right;">Page 171</p> <p>1 Q. Did you have a problem with that letter at</p> <p>2 all?</p> <p>3 A. I didn't quite understand why based on the</p> <p>4 information I had been given and</p> <p>5 considering from everything that I had been</p> <p>6 told that I was a qualified candidate and</p> <p>7 had been offered employment earlier, why</p> <p>8 there was the need to close that and</p> <p>9 re-advertise. But as far as the letter</p> <p>10 itself, no, sir.</p> <p>11 Q. Had you been offered full-time employment</p> <p>12 prior to September 4, 2004?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Tell me again what month and year that was.</p> <p>15 A. I honestly don't remember. I want to say</p> <p>16 it was November 2003, but it might have</p> <p>17 been at some other time.</p> <p>18 Q. But that would have required too much of a</p> <p>19 payout?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And so you could not take it at that time;</p> <p>22 is that correct?</p> <p>23 A. I regretfully declined at that point.</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. The prior letter from Debbie Boone was July</p> <p>2 26, 2004, correct?</p> <p>3 A. Right.</p> <p>4 Q. And now we're looking at an e-mail from you</p> <p>5 to Debbie Boone dated September 9, 2004,</p> <p>6 right?</p> <p>7 A. That references her letter of July saying</p> <p>8 the search had been extended. Could you</p> <p>9 please inform me of the status of my</p> <p>10 request.</p> <p>11 Q. Go to the next document.</p> <p>12 A. This document is from Debbie Boone again,</p> <p>13 dated September 4th --</p> <p>14 But I obviously know that I did not</p> <p>15 receive it before September 9th or I would</p> <p>16 not have sent the e-mail.</p> <p>17 -- stating that they were closing the</p> <p>18 nursing instructor search and would</p> <p>19 re-advertise at a later date.</p> <p>20 Q. So this was September 4, 2004, from Debbie</p> <p>21 Boone to you, informing you that they're</p> <p>22 closing the nursing instructor search?</p> <p>23 A. Right.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. And you were working at St. Francis</p> <p>2 Hospital at that time; is that correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Is that right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Did you continue to work at St. Francis</p> <p>7 Hospital at that time?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Was that a full-time job?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Go to the next document.</p> <p>12 A. Tuesday Times dated September 14th where</p> <p>13 the search was closed for nursing</p> <p>14 instructor, to be re-advertised at a later</p> <p>15 date.</p> <p>16 Q. That is also a 2004 document, correct?</p> <p>17 A. September 14th, 2004.</p> <p>18 Q. Why did you put that in here?</p> <p>19 A. I just was keeping with when the search</p> <p>20 opened and closed. These were things I had</p> <p>21 in my file when you asked for these things</p> <p>22 I went through.</p> <p>23 Q. All right.</p>

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1 A. September 30th is a letter I wrote to Roy  
2 Johnson, who was the chancellor, explaining  
3 that -- I questioned why I had not been  
4 re-offered a position or rehired as a  
5 nursing instructor --  
6 (Brief interruption.)  
7 A. Met requirements, and that other  
8 instructors who had not followed the  
9 requirements were being interviewed and  
10 offered positions.  
11 Q. So your complaint to Dr. Johnson on  
12 September 30, 2004, was that you had gone  
13 through the process and had not been  
14 offered a job?  
15 A. No, sir. I had gone through the process,  
16 been offered a position, and now that there  
17 was another one open, kept being told that  
18 I was a candidate, did not need to  
19 re-interview with Dr. Blackwell, merely to  
20 meet with the search committee, and that  
21 the requirements and the search kept  
22 changing.  
23 Q. That's what you said in your letter?

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1 A. Yes, sir.  
2 Q. Now, you mention the names of some people  
3 in this letter, and one of them is Melliny  
4 Macklin and another is Paige Harford,  
5 H-A-R-F-O-R-D.  
6 You say in this letter in paragraph  
7 three, the September 30, 2004, letter that  
8 Dr. Blackwell's office contacted Melliny  
9 Macklin and Paige Harford and scheduled  
10 each an appointment to meet with  
11 Dr. Blackwell. How did you know that?  
12 A. Melliny Macklin informed me of that, and in  
13 the other case I was told by someone else.  
14 Q. Who else?  
15 A. Do I have to --  
16 Q. Yeah.  
17 A. -- give that source at this point?  
18 Q. Sure.  
19 A. Would be Dixie Peterson.  
20 Q. Give me the circumstances under which  
21 Melliny Macklin told you about this -- the  
22 fact that she had been contacted by  
23 Dr. Blackwell's office.

1 A. We ran into each other and were talking,  
2 and she told me that she had received a  
3 call and confirmed that she had been  
4 requested to put in an application or  
5 offered employment to work full-time for  
6 CVCC.  
7 Q. Had she gone through the application  
8 process?  
9 A. No, sir, not for these --  
10 Q. How do you know that?  
11 A. -- positions.  
12 Q. Huh?  
13 A. She told me she had not.  
14 Q. Where is Melliny Macklin now?  
15 A. The last I talked with Ms. Macklin, she was  
16 working at the Opelika Mental Health  
17 Center.  
18 Q. How long ago was that?  
19 A. Approximately two years ago, year and a  
20 half ago.  
21 Q. Where is Paige Harford?  
22 A. She works at The Medical Center.  
23 Q. Where were you when Dixie said something to

1 you about Paige Harford having received a  
2 call?  
3 A. I believe in her office.  
4 Q. Mimi Merriman?  
5 A. Yes, sir.  
6 Q. How do you know that Dr. Blackwell  
7 contacted Mimi Merriman?  
8 A. Again, it came up in conversation with  
9 Ms. Peterson.  
10 Q. At the same time --  
11 A. Yes, sir.  
12 Q. -- as the Paige Harford?  
13 A. Yes, sir, I believe so.  
14 Q. And then there was another name, Marla  
15 Kunder. How did you know that Marla Kunder  
16 had been --  
17 A. In the same conversation.  
18 Q. Do you know where Mimi Merriman is?  
19 A. The last I saw her picture was as a new  
20 employee at St. Francis, but I can't say  
21 she's still employed there.  
22 Q. And then how about Marla Kunder?  
23 A. I have no idea.



<p style="text-align: right;">Page 177</p> <p>1 Q. The last paragraph on the first page says</p> <p>2 this: Columbus-Phenix City is a close-knit</p> <p>3 nursing community and it is abuzz with the</p> <p>4 manner in which instructors have been hired</p> <p>5 by the college. Tell me about that.</p> <p>6 A. Well, just that it was discussed -- for</p> <p>7 example, Gwen Pugh, I heard nurses</p> <p>8 discussing it in the ICU at St. Francis</p> <p>9 where she worked part-time, and I believe</p> <p>10 she confirmed that she had been offered a</p> <p>11 position there.</p> <p>12 Q. Where? At CVCC?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Where is Gwen Pugh now?</p> <p>15 A. I think she works part-time at Columbus</p> <p>16 State and, I believe, still at St. Francis.</p> <p>17 Q. And you're saying that Ms. Pugh did not</p> <p>18 comply with the requirements?</p> <p>19 A. Before she was offered a position, that is</p> <p>20 what I believe she told me.</p> <p>21 Q. And then you say something about a \$75,000</p> <p>22 salary. How did you get that information?</p> <p>23 A. That is what either she or the ICU nurses</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. Were you aware of any other money available</p> <p>2 for the hiring of nursing instructors?</p> <p>3 A. No, sir.</p> <p>4 Q. Go to the first paragraph on page two.</p> <p>5 Explain that paragraph to me if you would,</p> <p>6 what it means.</p> <p>7 A. I met with Ms. Peterson, asking her if she</p> <p>8 knew if any of these had actually been</p> <p>9 hired or not in the spring 2005. And I</p> <p>10 also discussed it with Ms. Gruber, and</p> <p>11 Ms. Gruber told me that Dr. Blackwell had</p> <p>12 told her they had found some nursing</p> <p>13 instructors. I know one was hired, and I</p> <p>14 don't remember when, who worked a total of</p> <p>15 eight hours. And I can't remember if that</p> <p>16 was for that semester coming up or at</p> <p>17 another time.</p> <p>18 Q. You say in that second paragraph on page</p> <p>19 two: I should have been considered a</p> <p>20 viable, qualified candidate. Is that</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And what is that based upon?</p>
<p style="text-align: right;">Page 178</p> <p>1 told me.</p> <p>2 Q. ICU nurses at St. Francis?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Who had heard her say that she was making</p> <p>5 \$75,000?</p> <p>6 A. Yes, sir, that's what she'd be making.</p> <p>7 Q. As an instructor at CVCC in the nursing</p> <p>8 program?</p> <p>9 A. Yes, sir.</p> <p>10 Q. What is the Ameris subsidy?</p> <p>11 A. Ameris is, I believe, the company that owns</p> <p>12 Summit Hospital. And they gave money to</p> <p>13 CVCC to subsidize nursing instructor</p> <p>14 salaries in order to help them acquire</p> <p>15 nursing instructors because the payout for</p> <p>16 teaching is so much less than working at</p> <p>17 the hospital.</p> <p>18 Q. At this time, were you aware of any other</p> <p>19 subsidy or any other extra money for hiring</p> <p>20 nursing instructors?</p> <p>21 A. No, sir. I was aware of that money, but --</p> <p>22 Q. The Ameris money?</p> <p>23 A. Yes, sir. That was in the newspaper, so --</p>	<p style="text-align: right;">Page 180</p> <p>1 A. That I had been offered a position before</p> <p>2 and nothing had changed and that I had</p> <p>3 passed the search committee, passed -- my</p> <p>4 chairperson wanted or expressed the desire</p> <p>5 to hire me, and there really was no legal</p> <p>6 reason I should not be and, yet, I could</p> <p>7 not find out a reason I was not being</p> <p>8 employed full-time.</p> <p>9 Q. And then the fourth paragraph on that page,</p> <p>10 page two, apparently, you're giving</p> <p>11 Dr. Johnson some reasons why you should be</p> <p>12 hired by CVCC. Would that be correct?</p> <p>13 A. No, sir.</p> <p>14 Q. Tell me what that one two, and three are</p> <p>15 for in that paragraph.</p> <p>16 A. That was to -- I had been involved with</p> <p>17 CVCC for a longtime. I could have walked</p> <p>18 to CTC or CSU or Southern Union or</p> <p>19 potentially any other nursing program and</p> <p>20 have been offered a job, you know,</p> <p>21 immediately.</p> <p>22 I felt a responsibility to</p> <p>23 Ms. Peterson, to the nursing program, to my</p>

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<p>1 longevity there that that was -- my child</p> <p>2 went to college there, that that was a</p> <p>3 place where I felt a loyalty and had been</p> <p>4 supportive of CVCC.</p> <p>5 Q. All right.</p> <p>6 A. That was to show my support of CVCC.</p> <p>7 Q. You say: Furthermore, I am now concerned</p> <p>8 regarding the quality of the nursing</p> <p>9 education that will be provided by the</p> <p>10 program as neither of the newly-employed</p> <p>11 instructors are maternal-child/pediatric</p> <p>12 nurses.</p> <p>13 A. Correct. If any of those who had been</p> <p>14 offered positions had, indeed, come to</p> <p>15 work --</p> <p>16 (Brief interruption.)</p> <p>17 A. None of the ones that were listed except</p> <p>18 for Ms. Macklin -- and she had declined. I</p> <p>19 knew that. If any of those others had</p> <p>20 maternal-child/pediatric experiences --</p> <p>21 primarily, they were medical-surgical</p> <p>22 instructors.</p> <p>23 Q. And then what's the next thing in that</p>	<p>1 A. I did not receive a reply the first time I</p> <p>2 mailed it, so I sent it a second time</p> <p>3 certified.</p> <p>4 Q. And that's the certified slip for the</p> <p>5 second time?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Which was the first time you sent it? Was</p> <p>8 it September 30, '04?</p> <p>9 A. Yes, sir. I sent the exact same letter</p> <p>10 twice.</p> <p>11 Q. That was the first time?</p> <p>12 A. Right.</p> <p>13 Q. Do you know the date of the second time?</p> <p>14 A. October the 19th.</p> <p>15 Q. And then Dr. Johnson's response to you is</p> <p>16 October 28, 2004?</p> <p>17 A. Correct.</p> <p>18 Q. What's next?</p> <p>19 A. Part-time faculty employment contract,</p> <p>20 spring semester 2005.</p> <p>21 Q. Executed by you and Dr. Blackwell, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And so in the spring term of '05, you were</p>
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<p>1 exhibit, Exhibit 28?</p> <p>2 A. This?</p> <p>3 Q. Isn't it 28?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What's the next document?</p> <p>6 A. You don't have a copy of this, and that's</p> <p>7 just where I mailed it.</p> <p>8 That was just the form letter back from</p> <p>9 Roy Johnson.</p> <p>10 Q. And he referred you back to Dr. Blackwell;</p> <p>11 isn't that correct?</p> <p>12 A. Right. Well, he said he forwarded a copy</p> <p>13 of my correspondence to Dr. Blackwell.</p> <p>14 Q. I had that page that you -- I don't have</p> <p>15 it. Go back to the page that's your</p> <p>16 mailing page and tell me. That's just the</p> <p>17 page where you mailed that --</p> <p>18 A. Yeah, certified. You said everything that</p> <p>19 had any names on it, so --</p> <p>20 Q. That's the certified thing to Johnson,</p> <p>21 right?</p> <p>22 A. Uh-huh. (Positive response.)</p> <p>23 Q. All right. Go ahead.</p>	<p>1 a part-time faculty employee, correct?</p> <p>2 A. Correct. I had -- and I just didn't have</p> <p>3 copies of the other contracts. I had from</p> <p>4 August of 2001 worked every semester for</p> <p>5 CVCC in some type of capacity.</p> <p>6 Q. Go to the next thing in there. What is</p> <p>7 that?</p> <p>8 A. That is where I had discussed it with</p> <p>9 Ms. Peterson, but wrote her that I would be</p> <p>10 unavailable to teach classes for CVCC after</p> <p>11 May 13th due to Columbus Tech's no compete.</p> <p>12 Q. Was this before you were offered a job</p> <p>13 full-time by CVCC?</p> <p>14 A. This was after. I've only been offered one</p> <p>15 full-time job by CVCC, and that was in 2003</p> <p>16 or 2004. I'm not sure when. I had been</p> <p>17 trying to become employed by CVCC during</p> <p>18 this time period. Was unsuccessful.</p> <p>19 Q. We're on March 29, 2005, correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. You were offered a full-time, but you say</p> <p>22 temporary full-time job; isn't that right?</p> <p>23 A. Right.</p>

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1 Q. But it was a full-time job as opposed to a  
2 part-time faculty member; isn't that right?  
3 A. I was not offered a temporary full-time  
4 position until I sent Ms. Peterson this  
5 e-mail, and meetings subsequently started  
6 occurring based on the fact that at that  
7 point in time, there really was no one to  
8 take my place.  
9 Q. After March 29, 2005 -- let's see. You  
10 actually sent your e-mail to Dixie March  
11 18, 2005, and then Dixie forwarded a copy  
12 of that to Dr. Blackwell and Dean Lowe.  
13 And then what's the next thing in there?  
14 A. The next thing in there is dated June the  
15 15th from Debbie Boone -- of 2005 -- where  
16 she states that she had put an offer of  
17 temporary employment in my mailbox and  
18 called my home and on June 1st, sent an  
19 e-mail. And to my knowledge, I got none of  
20 those.  
21 That I found this when I came in to  
22 work or Ms. Peterson gave it to me because  
23 it had not reached me in another way,

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1 offering me temporary employment for summer  
2 semester 2005.  
3 Q. Did you accept that job?  
4 A. Yes, I did.  
5 The next is a contract from May 23rd,  
6 2005, till August the 8th, 2005.  
7 Q. All right. And that is executed by both  
8 you and Dr. Blackwell, correct?  
9 A. Right.  
10 Q. And that is -- Do you have the terms and  
11 conditions that are printed on the back  
12 side of this contract?  
13 A. No, sir. I just had a copy of it.  
14 Q. Okay. This was for a full-time temporary  
15 position; am I correct about that?  
16 A. Right, from May 23rd to August the 8th.  
17 Q. Do you know why it was for that period of  
18 time?  
19 A. That would be the summer semester.  
20 Q. Did they have different or separate  
21 contracts for the summer semester as  
22 opposed to the fall and spring semesters?  
23 A. Yes, sir.

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1 Q. What's the next document?  
2 A. The next item is where I will be placed on  
3 Step 13, which is the 13 years of  
4 experience.  
5 Q. Let me ask you this. Were you satisfied  
6 with that?  
7 A. If you'll turn the page, the next is a memo  
8 to Debbie Boone from me saying I'm signing  
9 this contract pending my submission of  
10 documentation which should put me on a  
11 different pay step and that I expected the  
12 amount to be amended.  
13 Q. That's a June 17, 2005, memo from you to  
14 Debbie Boone?  
15 A. Yes, sir.  
16 Q. And the signing of the contract, you say,  
17 is pending submission of documentation  
18 which should put you on a different pay  
19 step, and that documentation would have  
20 been verification of your full-time work as  
21 a nurse, correct?  
22 A. Correct.  
23 Q. What's next?

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1 A. The next couple of pages are the form where  
2 Katie e-mailed my past 25 years of  
3 employers -- I'm sorry, faxing them and  
4 asking them to fill out the form they had  
5 designed -- or she had designed. Some  
6 people did write on letterhead and fax it  
7 back.  
8 Q. Tell me what the form is that you designed.  
9 A. If you'll look at that one, like two or  
10 three back, that is what Katie typed up and  
11 I faxed out to however many employers it  
12 took to make 28 years -- 25 years.  
13 Q. And the particular document we're looking  
14 at at this point is on Chattahoochee Valley  
15 Community College stationery. It says  
16 employment verification at the top. It has  
17 your name, social security number, position  
18 held, the dates of your work, and please  
19 sign and stamp below to verify employment.  
20 And that particular one was returned,  
21 apparently, by Lynnette O' --  
22 A. Something.  
23 Q. -- O'Baugh, East Jefferson General

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1 Hospital, correct?  
2 A. Yes, sir.  
3 Q. That document is not on the letterhead of  
4 the entity that this lady works for, right?  
5 A. Correct.  
6 Q. And that was not an appropriate or an  
7 acceptable form for the employment  
8 verification to be in, correct?  
9 A. That was not communicated the first time I  
10 was asked to do this. It was merely --  
11 Q. What I asked you was, that was not an  
12 appropriate form for the employment  
13 verification, correct?  
14 A. As of the date it was sent, yes, it was.  
15 Q. It was not accepted, was it, Ms. Gunnels?  
16 A. I was not told it was not accepted until  
17 two months later.  
18 Q. It was not accepted; is that right?  
19 A. As of August the whatever, yes, sir.  
20 Q. That's right?  
21 A. Yes, sir.  
22 Q. Did you send other forms out after you  
23 learned that it was not accepted?

1 forms coming back from your employers  
2 between the time this went out and the time  
3 you got it back?  
4 A. These actually came back to the nursing  
5 office and then were submitted to Debbie  
6 Boone. And I never heard back since I  
7 submitted them in person. My assumption  
8 was that they were adequate.  
9 Q. Did the forms come back to you then and you  
10 submitted them to Ms. Boone?  
11 A. Yes, sir -- or to the nursing office, yes,  
12 sir.  
13 Q. What is this right here, this verification  
14 of work experience?  
15 A. That was given to me by Debbie Boone in the  
16 August 26th meeting. It's actually a  
17 two-sided document, but that was the side  
18 that was given to me. And your copy has  
19 both sides.  
20 When I first applied for the full-time  
21 position on November the 14th, '02, I had  
22 to have verification of work experience and  
23 Millie Paradiso's signature from

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1 A. No, sir, because I did not find out until  
2 August it was not accepted.  
3 Q. Tell me when in August you learned it was  
4 not accepted.  
5 A. I don't remember exactly, but it was close  
6 to or on August the 29th. That's when it  
7 was discussed.  
8 Q. How do you remember that date?  
9 A. Because that's the date we had the meeting  
10 about all the issues, including contracts  
11 and salaries.  
12 Q. That's the Friday?  
13 A. Yes, sir.  
14 Q. So August 26 was that date?  
15 A. Oh, I'm sorry. August 26.  
16 Q. Now, there was one that was sent back on  
17 letterhead, Slidell Memorial Hospital.  
18 A. Two, actually.  
19 Q. There were two?  
20 A. Yes, sir.  
21 Q. What was the other one?  
22 A. St. Francis Hospital.  
23 Q. Did you ever check the status of these

1 St. Francis verifying that St. Francis had  
2 verified that employment for those years,  
3 and that was what was required at that  
4 point in time. So this was in along with  
5 the two spreadsheets that were given back  
6 to me.  
7 Q. Did that mean they were accepting this 2002  
8 document as verification?  
9 A. That was my assumption. And that you would  
10 have to ask them, but this was in my file  
11 on what they were -- they had accepted it  
12 in 2002.  
13 Q. What's the next thing in your file?  
14 A. The next is a memo from -- to myself from  
15 Laurel Blackwell -- copying Laurel  
16 Blackwell, Dixie Peterson, and Debbie Boone  
17 from James Lowe saying here is a copy of  
18 your 2005-2006 academic year contract. As  
19 we discussed in our meeting Friday, we've  
20 only received verification of six years of  
21 full-time. He's recommending that I be  
22 placed on Step 6 on the salary schedule.  
23 Q. Did you ever sign that contract?



<p style="text-align: right;">Page 193</p> <p>1 A. No, sir.</p> <p>2 Q. Why not?</p> <p>3 A. Because it was not what we had discussed</p> <p>4 and what I had agreed upon.</p> <p>5 Q. What had you discussed and agreed upon?</p> <p>6 A. I had been fairly verbal in the meeting</p> <p>7 that I did not have time to and did not</p> <p>8 feel it was appropriate for me to be</p> <p>9 re-verifying -- especially re-verifying my</p> <p>10 own employment when I was not given</p> <p>11 adequate instructions the first time as to</p> <p>12 how they were wanted and that I really</p> <p>13 didn't have time to do it.</p> <p>14 Q. Did anybody at that meeting on the 30th of</p> <p>15 August say that they would make</p> <p>16 accommodation for that, that they would</p> <p>17 send out a verification form on your</p> <p>18 behalf?</p> <p>19 A. No, sir. I was told Ms. Boone was too busy</p> <p>20 to do that. Unless we could find someone</p> <p>21 else, that -- I guess we were at a</p> <p>22 stalemate.</p> <p>23 Q. Who told you that?</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Yes, sir.</p> <p>2 Q. -- came up with it is what you're saying?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And did Katie Lackey send it out?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You did not send it out?</p> <p>7 A. I would say it was a joint effort because</p> <p>8 we were looking up addresses and fax</p> <p>9 numbers and faxing them out.</p> <p>10 Q. What's the next document there?</p> <p>11 A. Would be the copy of the contract I did not</p> <p>12 sign for August 15th, 2005, ending May 12,</p> <p>13 2006.</p> <p>14 An e-mail that I sent to -- I'm sorry.</p> <p>15 I was moving on.</p> <p>16 Q. Go ahead. You're doing good.</p> <p>17 A. An e-mail I sent to Rhonda Davis, telling</p> <p>18 her I was leaving CVCC and there had been</p> <p>19 some conflicts in the CVCC/Southern Union</p> <p>20 and -- OB days.</p> <p>21 Q. Who is Rhonda Davis?</p> <p>22 A. She is, I believe, the chair of the nursing</p> <p>23 program at Southern Union. I know she's in</p>
<p style="text-align: right;">Page 194</p> <p>1 A. It was in the meeting with Ms. Boone -- I'm</p> <p>2 assuming she was there at that point --</p> <p>3 Dean Lowe and Dr. Blackwell, my chair</p> <p>4 and --</p> <p>5 Q. Who told you that, though? Who told you</p> <p>6 that Ms. Boone was too busy?</p> <p>7 A. Dr. Blackwell supported Ms. Boone when she</p> <p>8 said that she just didn't have time to do</p> <p>9 that.</p> <p>10 Q. Ms. Boone said it is what you're saying?</p> <p>11 A. And I believe that -- and I know on</p> <p>12 Wednesday, the 30th, Dr. Blackwell asked me</p> <p>13 had I ever gotten in touch with</p> <p>14 Ms. Peterson and asked her to do it, and I</p> <p>15 said I don't -- I'm quite she didn't have</p> <p>16 time nor was it an appropriate role for her</p> <p>17 either.</p> <p>18 Q. Who did you say came up with the form that</p> <p>19 was considered to be inadequate?</p> <p>20 A. Katie Lackey, the administrative assistant</p> <p>21 in nursing -- health sciences in trying to</p> <p>22 help me.</p> <p>23 Q. Katie Lackey --</p>	<p style="text-align: right;">Page 196</p> <p>1 some managerial capacity.</p> <p>2 Q. R. Davis. What is S-U-S ...</p> <p>3 A. Southern Union State Community College.</p> <p>4 Q. Is that where she works?</p> <p>5 A. Southern Union, yes, sir.</p> <p>6 Q. Hi, Rhonda. This is March 22, 2005, from</p> <p>7 you --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- to Rhonda Davis at Southern Union. Hi,</p> <p>10 Rhonda. If you are still in need of</p> <p>11 clinical instructor for --</p> <p>12 Peds?</p> <p>13 A. Peds. Pediatrics.</p> <p>14 Q. Oh, pediatrics?</p> <p>15 A. Yes, sir.</p> <p>16 Q. I highly recommend Arte Harmon. She's RNC,</p> <p>17 BSN, and works at TMC. What's the U-S-S --</p> <p>18 A. Usually in the PICU, which is pediatric</p> <p>19 intensive care unit.</p> <p>20 Q. I know she has some available time this</p> <p>21 summer. She's awesome. I don't have her</p> <p>22 phone number here with me at work but can</p> <p>23 get it for you. Her e-mail address is, and</p>

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1 it gives that. You can also reach her  
 2 through ...

3 Do you do OB in the summer? I have a  
 4 recommendation for one there also if you're  
 5 looking as well as med-surg if it's here in  
 6 Columbus.

7 And then you say: I will be leaving  
 8 CVCC on May 13. If you want to get  
 9 together prior to that and nail something  
 10 down about the conflicts in CVCC/SU --

11 A. Southern Union.

12 Q. -- OB days --

13 OB days?

14 A. Obstetrical clinical days.

15 Q. -- just let me know.

16 A. Yes, sir.

17 Q. "About the conflicts," what is that?

18 A. In the arrangement of clinical space for  
 19 students to be in the different hospitals,  
 20 TUMC -- not TUMC, that's Tulane, TMC, The  
 21 Medical Center, has a meeting once a year  
 22 and everybody puts in when they'd like to  
 23 be up there.

1 Q. And then you say -- you say: Please  
 2 consider this as a follow-up to our meeting  
 3 on Friday, August 26, 2005.

4 So it's correct, isn't it, that you had  
 5 decided to resign before August 31?

6 A. No, sir, that's not true.

7 Q. Isn't it correct that your husband and  
 8 Ms. Bellamy's husband were there to help  
 9 you get all your stuff out of the building  
 10 that day, August 31?

11 A. No, sir. My husband was nowhere around.  
 12 He was at work.

13 I did call Ms. Bellamy -- she was not  
 14 at work yet -- and told her about my  
 15 interaction with Dean Lowe and that I had  
 16 received my contract and that my  
 17 expectation was I would be resigning as  
 18 soon as I had my next interaction with Dean  
 19 Lowe.

20 And she said, do I have a contract?  
 21 And I said, I don't know. She asked me to  
 22 go in her office, open it. We had further  
 23 discussion, and she and her husband came up

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1 In the last meeting that I attended,  
 2 there were some conflicts between Southern  
 3 Union and CVCC. Rather than to hold up the  
 4 entire meeting trying to work it out,  
 5 Rhonda and I had said in the meeting that  
 6 we would get together and figure out how we  
 7 could both get what we needed, which we had  
 8 done in the past.

9 And since I was going to be leaving at  
 10 that point in time, I didn't want to leave  
 11 anything untaken care of or hanging out  
 12 there, so I had written her about deciding  
 13 who was coming at what time where on OB so  
 14 that there wouldn't be two groups of  
 15 students on one floor when there shouldn't  
 16 be from two different colleges.

17 Q. All right. Now, I've actually gotten to  
 18 your resignation letter, August 31, 2005.

19 A. Yes, sir.

20 Q. Now, you refer to the August 26, 2005,  
 21 meeting the previous Friday in this letter,  
 22 correct?

23 A. Yes, sir.

1 there. She had her husband come with her  
 2 in his truck.

3 Q. The first paragraph starts: Please  
 4 consider this as follow-up to our meeting  
 5 on Friday, August 26, 2005. And the second  
 6 paragraph begins with based on our  
 7 interaction this morning, August 31, 2005,  
 8 will be my last day.

9 A. Yes, sir.

10 Q. And you're saying you did not make the  
 11 decision to resign before August 31? Is  
 12 that what you're saying?

13 A. I had been considering it, especially after  
 14 the meeting of August the 26th. My  
 15 assumption was that I would resign from  
 16 CVCC, but my assumption also was that I  
 17 would be allowed to and would work out some  
 18 period of notice. My intent was not on the  
 19 morning of August 31st to resign on August  
 20 the 31st at the beginning of the morning.

21 Q. After you left CVCC on August 31, when did  
 22 you start back work?

23 A. The next day.

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1 Q. Where was that?  
 2 A. At Columbus Technical College.  
 3 Q. When did you first alert Columbus Technical  
 4 College that you would be starting back  
 5 there on September 1?  
 6 A. Let me rephrase that. I'm not positive it  
 7 was September 1, but there was  
 8 communication during that week. I think I  
 9 took the rest of that week off. But I was  
 10 also already working at St. Francis during  
 11 that time period, and I think I worked for  
 12 them some that week.  
 13 Q. You're saying that your first answer was  
 14 incorrect? You did not start at Columbus  
 15 Tech the very next day?  
 16 A. I would say that was an error. I do not  
 17 know the exact day I started.  
 18 Q. So could it have been September 1?  
 19 A. I don't believe so. I believe it was that  
 20 next week, but I did have communication  
 21 with Linn Storey September 1 that I was,  
 22 indeed, leaving or had left CVCC and did  
 23 she have a job for me to come back to at

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1 that point.  
 2 Q. You had not spoken to her or anyone else at  
 3 Columbus Tech before August 31, 2006, about  
 4 coming back -- 2005 about coming back?  
 5 A. Not to my knowledge, no, sir.  
 6 Q. April Gunnels is related to you, correct?  
 7 A. She was.  
 8 Q. She was?  
 9 A. She was related to me. She's my  
 10 ex-daughter-in-law at this point. She was  
 11 my daughter-in-law.  
 12 Q. Oh, really? She was married to your son?  
 13 A. Yes, sir.  
 14 Q. And she and Lindy Wright were friends,  
 15 weren't they?  
 16 A. Yes, sir.  
 17 Q. They were in the same clinical group,  
 18 right?  
 19 A. I don't know that for sure.  
 20 Q. Where is April now?  
 21 A. She works at the recovery room at The  
 22 Medical Center.  
 23 Q. Is she an RN?

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1 A. Yes, sir.  
 2 Q. Is she still Gunnels?  
 3 A. No. She is now April Dunn, D-U-N-N.  
 4 Q. Are you on good terms with her?  
 5 A. We're on speaking terms, yes, sir.  
 6 Q. Now, when you left that day, August 31, did  
 7 you go by the class?  
 8 A. No, sir.  
 9 Q. Did you see the class at all that morning?  
 10 A. I did -- Well, are you talking prior to my  
 11 resignation or after my resignation?  
 12 Q. Either one.  
 13 A. Prior to my resignation, I saw several of  
 14 the class members as I was coming in.  
 15 Exchanged pleasantries. April came to my  
 16 office and, in fact, she was walking to  
 17 class with me when Dean Lowe stopped me.  
 18 There was another student who had come  
 19 by my office. I think it was Crystal  
 20 Love. I cannot be absolutely positive,  
 21 but -- was walking a little ahead of us as  
 22 we were going to class.  
 23 Q. So April before class. Crystal Love?

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1 A. Crystal Love, I believe.  
 2 Q. Anybody else?  
 3 A. I don't remember. When I came through,  
 4 people were sitting out, talking. We  
 5 waved. We talked. We spoke.  
 6 Q. So April Gunnels was with you when Dean  
 7 Lowe said you don't need to go to your  
 8 class?  
 9 A. Yes, sir.  
 10 Q. Was anyone else with you?  
 11 A. No, sir. They had walked ahead.  
 12 Q. Then after that, did you see the class?  
 13 A. As I was loading things into my car, yes,  
 14 sir.  
 15 Q. What were they doing?  
 16 A. Several of them came up and spoke to me.  
 17 Some of them were just sitting out during a  
 18 break, that type of thing.  
 19 Q. Did you instruct or tell anybody to put any  
 20 writing on the board?  
 21 A. I did provide a phone number, yes.  
 22 Q. Tell me about that.  
 23 A. Someone contacted me, and I think it was by

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1 cell phone, which all the students had my  
2 cell phone number, and said -- you know, I  
3 believe it was after I left, but I can't  
4 swear. Wanted to know who they could  
5 contact if they were unhappy about this,  
6 and I told them three organizations that --  
7 or one individual and two organizations  
8 that if they felt their learning needs  
9 weren't being met that they could contact.  
10 Q. Who did you tell them?  
11 A. Betty Peters, who was the Alabama State  
12 Board representative, I guess, over CVCC,  
13 the State Board of Nursing and the National  
14 League of Nursing.  
15 Q. Did you give them phone numbers for all of  
16 these?  
17 A. No, sir.  
18 Q. Did you give them phone numbers for any of  
19 these?  
20 A. Yes.  
21 Q. Which ones?  
22 A. I gave them Betty Peters' phone number.  
23 Q. Do you know who wrote that on the board?

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1 A. No, sir, I don't. I wasn't present.  
2 Q. Pardon?  
3 A. I wasn't present, so no, sir, I don't.  
4 Q. But you knew it was written up there on the  
5 board, didn't you?  
6 A. I don't know that I knew that or not, but I  
7 know I was called and asked for.  
8 Q. Do you know what happened after you left in  
9 that class?  
10 A. No, sir.  
11 Q. Nobody ever told you?  
12 A. I don't know if you mean after that actual  
13 class on August the 31st or you mean the  
14 class, ADN class.  
15 Q. I mean that August 31 class, that roomful  
16 of people.  
17 A. I was told that Dean --  
18 (Brief interruption.)  
19 THE WITNESS: We're going to have  
20 to break in a few minutes.  
21 MR. NIX: Okay.  
22 THE WITNESS: I've got to go to  
23 work and I've got to get

1 something to eat. I'm fixing  
2 to pass out cold on this table  
3 here.  
4 MR. NIX: We won't be much longer.  
5 We're about done.  
6 (Brief interruption.)  
7 A. August 31st.  
8 Q. Yeah.  
9 A. That class.  
10 Q. That roomful of people.  
11 A. Right. One of the reasons I didn't go down  
12 was security watched me pack my office and  
13 said they were to escort me out to my car  
14 so I would not be interacting with  
15 students.  
16 Q. What did you do about --  
17 A. It was a new experience.  
18 Q. -- that roomful of people?  
19 If you would answer my questions, we'd  
20 be through.  
21 A. All right.  
22 Q. You've been editorializing a lot, so if  
23 you'll answer my questions, we'll get

1 through.  
2 A. All right. That I was told that Dean Lowe  
3 and Dr. Blackwell and potentially -- I  
4 can't remember -- Dean Hodge had come down  
5 and addressed the class. At one point in  
6 time -- and I don't know if it was the  
7 first meeting or second meeting -- Dean  
8 Blackwell [sic] indicated I was still ill.  
9 But I do not know what was exactly said  
10 in the class. You would have to ask  
11 someone who was present or who was there  
12 speaking.  
13 Q. One meeting -- the first meeting or the  
14 second meeting --  
15 A. Dean Blackwell -- Dean Lowe presented to  
16 the class twice is my understanding.  
17 Q. And one time he said you were still ill?  
18 A. One time with -- right, and with  
19 Dr. Blackwell on the second occasion,  
20 potentially Dean Hodge, and I don't know  
21 who else the second time.  
22 Q. Well, they knew you weren't ill, didn't  
23 they?



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<p style="text-align: right;">Page 209</p> <p>1 A. Yes, sir.</p> <p>2 Q. How did you find out that Dean Lowe said</p> <p>3 you were still ill?</p> <p>4 A. Because several of the students told me</p> <p>5 that he said I was still ill. They said,</p> <p>6 we saw her.</p> <p>7 Q. Let me show you what I've marked as</p> <p>8 Defendant's 27. You've got it. Why don't</p> <p>9 you pull your copy out.</p> <p>10 (Defendant's Exhibit 27 was marked</p> <p>11 for identification.)</p> <p>12 Q. What is that?</p> <p>13 A. That is documentation regarding the vote of</p> <p>14 no confidence for Dr. Blackwell.</p> <p>15 Q. How did you obtain this?</p> <p>16 A. It was provided to me by Ms. Peterson.</p> <p>17 Q. When?</p> <p>18 A. I don't remember the exact date, but after</p> <p>19 the vote took place.</p> <p>20 Q. Sometime after the vote?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And the vote -- do you know when the vote</p> <p>23 did take place?</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. Where is it?</p> <p>2 A. And I don't have a copy of mine.</p> <p>3 Q. You don't have --</p> <p>4 A. I honestly do not. My computer blew up,</p> <p>5 and I lost everything on my hard drive</p> <p>6 approximately a year and a half ago.</p> <p>7 That's where I had a copy of mine.</p> <p>8 Q. But you turned it in, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Who did you turn it in to?</p> <p>11 A. Turned it in to Ann Messner.</p> <p>12 Q. So would Anne Messner have it?</p> <p>13 A. She should, yes. I mean, I'd have to look</p> <p>14 at it and pick out which one was mine.</p> <p>15 Q. Did you sign it?</p> <p>16 A. I don't know.</p> <p>17 Q. None of these are signed.</p> <p>18 A. No, sir.</p> <p>19 Q. Is this the way you received them?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you know why you received this?</p> <p>22 A. Ms. Peterson and I were discussing this</p> <p>23 issue.</p>
<p style="text-align: right;">Page 210</p> <p>1 A. I believe it was June 17th is what the</p> <p>2 newspaper says when it took place.</p> <p>3 Q. Now, that's something else I didn't get is</p> <p>4 that -- I don't think. No, I know I</p> <p>5 didn't -- no, I did. Hold on. I'm sorry.</p> <p>6 I did, too. This must be the one you gave</p> <p>7 me today. No, I had seen this. I had.</p> <p>8 Never mind. Sorry.</p> <p>9 So there was also a form -- there's a</p> <p>10 memorandum here from Anne Messner who was</p> <p>11 president of the faculty senate, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Then it's got a feedback form, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And then it's got the responses on the</p> <p>16 feedback -- or to the --</p> <p>17 A. Some responses. I don't know that that's</p> <p>18 all, but some responses.</p> <p>19 Q. Did you make a response?</p> <p>20 A. Yes, sir, I did.</p> <p>21 Q. Which one is yours?</p> <p>22 A. I don't think -- well, I know mine is not</p> <p>23 in here.</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. What issue?</p> <p>2 A. The no confidence vote for Dr. Blackwell.</p> <p>3 Q. Have you read all of these?</p> <p>4 A. I did at one point in time. I haven't read</p> <p>5 all of them recently.</p> <p>6 Q. Does it appear to you that they all pretty</p> <p>7 much say the same thing?</p> <p>8 A. There's a theme there, yes, sir.</p> <p>9 Q. It's more than a theme to me. It's almost</p> <p>10 like a script. Wouldn't you say that</p> <p>11 that's about the way it looks to you?</p> <p>12 A. I wouldn't call it a script. I'd say if</p> <p>13 you have a lot of people participating and</p> <p>14 experiencing the same situation, you're</p> <p>15 going to get a lot of the same answers or</p> <p>16 similar answers.</p> <p>17 Q. All right. Now, this was provided by you,</p> <p>18 Ms. Gunnels, Exhibit 27 was. Was it</p> <p>19 provided pursuant to the subpoena that I</p> <p>20 issued?</p> <p>21 A. Beg your pardon?</p> <p>22 Q. Was this provided pursuant to the subpoena</p> <p>23 I issued?</p>

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1 A. Yes, sir.

2 Q. Exhibit 27.

3 A. Uh-huh. (Positive response.) I didn't  
4 even realize that I still had it until I  
5 started going through a box of stuff.

6 Q. I've got something else here. I don't know  
7 if you brought this with you here today or  
8 not. It's notes on Ms. Umoh.

9 A. Uh-huh. (Positive response.) Mine just  
10 looks differently. It's the same pieces of  
11 paper.

12 (Defendant's Exhibit 29 was marked  
13 for identification.)

14 Q. Defendant's Exhibit 29 are those documents  
15 that you've provided pursuant to the  
16 subpoena. What are these?

17 A. These are copies of write-ups on the  
18 student that I discussed earlier who was  
19 issued a failing grade in her pediatric  
20 clinicals and appealed that grade.

21 Q. Why did you keep this?

22 A. Again, I didn't realize I had it until I  
23 went through a box of things. When I

1 MS. PRICE: That's what we got  
2 from the plaintiff's counsel's  
3 office --

4 A. Okay. I probably found this one after ...  
5 I started going through stuff and spent  
6 this weekend going through more stuff.  
7 There you go. I think that one matches the  
8 one that I've got a copy of for myself.

9 MR. NIX: I'm going to re-mark it,  
10 then.

11 Q. Looking at Exhibit 29 again, the first  
12 document, the top document is what?

13 A. That would be a copy of her clinical  
14 evaluation for NUR 272, spring of '05.

15 Q. Who filled out that evaluation?

16 A. Mid term, Ms. Harmon and Ms. Wall. At the  
17 end, because I was the lead instructor in  
18 that course or the lecturer for that  
19 course, I also sat in on her evaluation.

20 (Defendant's Exhibit 29-B was  
21 marked for identification.)

22 Q. Do you know why -- let me show you 29-B.  
23 Look at 29-B. That is a document that

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1 packed on August the 31st, this was in a  
2 folder marked something else. And I took  
3 it with me -- or a copy of it, not the  
4 original, but a copy of it.

5 Q. So it was a mistake?

6 A. I did not mean to take it. But at one  
7 point in time, I had thought about -- I  
8 wouldn't say taking it, because at the time  
9 this was going on, I was not thinking about  
10 resigning. But I did not intentionally  
11 plan on taking this with me if that's what  
12 you're asking. It was in some files.

13 Q. Why did you write this up?

14 A. The original -- we're not on the same --  
15 these were done in real time as was the  
16 other handwritten documents, documentation  
17 of Miss Arit's performance. I was asked to  
18 type up the written --

19 Q. I don't have one of those documents.

20 A. You should have.

21 Q. See the one on the top, your top one?

22 A. You don't have that one? I gave you that  
23 today.

1 Jennifer Cooley gave us, I assume, the day  
2 you brought this material by her office.

3 A. Yes. You've got --

4 Q. I've got Exhibit 29. Okay?

5 A. If you continue to look, I believe  
6 that's --

7 Q. Correct. But 29-B does not contain the top  
8 document -- 29-B, that exhibit, that total  
9 exhibit omits this top document which says  
10 up here criteria in the left column, and  
11 it's got some blocks drawn off. It's got  
12 essential criteria on the front, assessment  
13 criteria, diagnosis criteria, outcome  
14 identification criteria. All of those  
15 topics are addressed. On the second page,  
16 implementation criteria, evaluation  
17 criteria, and the date of the mid term  
18 evaluation is February 11, 2004, correct?

19 A. Yes, sir.

20 Q. And the date of the intern evaluation is  
21 March 11, 2004 [sic], correct?

22 A. Yes, sir.

23 Q. Who refused to sign this document?

<p style="text-align: right;">Page 217</p> <p>1 A. Arit Umoh, the student.</p> <p>2 Q. Why?</p> <p>3 A. Because she did not agree with the failing</p> <p>4 grade in clinical she was being issued.</p> <p>5 She said she was not going to sign it.</p> <p>6 Q. And you're saying you didn't find the</p> <p>7 evaluation form that I just spoke about</p> <p>8 until recently?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Were any of these documents created for the</p> <p>11 purpose of addressing -- I don't know</p> <p>12 whether it was a grade appeal or what. Did</p> <p>13 she file a grade appeal?</p> <p>14 A. I don't know exactly what all she did, but</p> <p>15 there were multiple meetings about this</p> <p>16 grade that was issued.</p> <p>17 Q. Was the April 13, 2005, memo, let's call</p> <p>18 it, signed by you created for the purpose</p> <p>19 of addressing Ms. Umoh's grade appeal or</p> <p>20 concerns or whatever?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is there any other document among</p> <p>23 Exhibits -- Exhibit 29 that was created</p>	<p style="text-align: right;">Page 219</p> <p>1 transcript from Florida State University</p> <p>2 where I received my master's degree in</p> <p>3 nursing in 1989. Do you want me just to go</p> <p>4 through them?</p> <p>5 Q. No. Just tell me, what are they</p> <p>6 generally? Well, you've got one</p> <p>7 transcript. Do you have another transcript</p> <p>8 in there?</p> <p>9 A. I've got several transcripts in here.</p> <p>10 Q. All right. And then you've got some course</p> <p>11 outlines and syllabi?</p> <p>12 A. I've got course outlines, syllabi. I have</p> <p>13 my CV.</p> <p>14 Q. All right.</p> <p>15 A. The course outline for NUR 271, which is</p> <p>16 the course I began teaching in August of</p> <p>17 2005 for fall quarter 2005.</p> <p>18 MR. DUMBUYA: Did you say 271?</p> <p>19 THE WITNESS: 271. Yes, sir.</p> <p>20 A. Notes that I gave to -- or handouts I gave</p> <p>21 to Dr. Loweto give to the students for the</p> <p>22 first lectures of NUR 271.</p> <p>23 The NUR 271 worksheet study guide that</p>
<p style="text-align: right;">Page 218</p> <p>1 purely for the purpose of addressing</p> <p>2 Ms. Umoh's grade appeal?</p> <p>3 A. There was a typing of written notes.</p> <p>4 Q. I've got you. Okay?</p> <p>5 A. Because these are the handwritten notes,</p> <p>6 and I typed them for --</p> <p>7 Q. Okay.</p> <p>8 A. -- one of the meetings.</p> <p>9 Q. So the typed notes we have here are taken</p> <p>10 from handwritten notes, and the typed notes</p> <p>11 taken from the handwritten notes have dates</p> <p>12 by each paragraph, correct?</p> <p>13 A. Correct.</p> <p>14 Q. This is another group of documents that you</p> <p>15 brought today.</p> <p>16 (Brief interruption.)</p> <p>17 Q. Let me show you these documents. I'm</p> <p>18 clipping them together and marking them as</p> <p>19 Defendant's Exhibit 30.</p> <p>20 (Defendant's Exhibit 30 was marked</p> <p>21 for identification.)</p> <p>22 Q. Just ask you to tell me what they are.</p> <p>23 A. The first would be my unofficial academic</p>	<p style="text-align: right;">Page 220</p> <p>1 the students filled out over their May</p> <p>2 to -- well, no, would have been from August</p> <p>3 8th to August 31st, thereabout, break that</p> <p>4 they were to turn in for points.</p> <p>5 A maternal-child nursing skills</p> <p>6 checklist that would have been utilized</p> <p>7 during that quarter of NUR 271 had I</p> <p>8 continued to teach. I don't know if they</p> <p>9 used it.</p> <p>10 Then there is a -- I also was scheduled</p> <p>11 to teach NUR 104 to the current new LPN</p> <p>12 students in August, and that would have</p> <p>13 been a pharmacology course.</p> <p>14 Also, I included my pediatric nursing</p> <p>15 syllabus. And when I pulled it off of my</p> <p>16 disc -- obviously, I was thinking ahead</p> <p>17 because I was already adjusting it for</p> <p>18 spring 2005 or January. So when you see</p> <p>19 that, that would be -- and that would be</p> <p>20 the last document in there.</p> <p>21 (Defendant's Exhibit 31 was marked</p> <p>22 for identification.)</p> <p>23 Q. Exhibit 31 is something you brought today.</p>

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<p>1 That's your license?</p> <p>2 A. My nursing license.</p> <p>3 (Defendant's Exhibit 32 was marked</p> <p>4 for identification.)</p> <p>5 Q. Exhibit 32 is something you brought today.</p> <p>6 What is that?</p> <p>7 A. You asked for anything that had to do with</p> <p>8 that class. I found my old contact list</p> <p>9 for the ADN class and members therein.</p> <p>10 Q. ADN class for --</p> <p>11 A. Started May 2005.</p> <p>12 Q. Right.</p> <p>13 (Defendant's Exhibit 33 was marked</p> <p>14 for identification.)</p> <p>15 Q. Exhibit 33 is a letter dated July 1, 2005,</p> <p>16 from Dr. Blackwell that's addressed to</p> <p>17 you. Would you look at that. You had</p> <p>18 previously said that was sent to all of the</p> <p>19 school faculty.</p> <p>20 A. That's my understanding.</p> <p>21 Q. And that was sent to the school faculty</p> <p>22 because of the vote of no confidence?</p> <p>23 A. Yes, sir. In reading the letter, that</p>	<p>1 A. Yes, sir, I think so. I feel like I've</p> <p>2 been here a while.</p> <p>3 Q. And did you look for all of the documents</p> <p>4 that are on that subpoena? There's a list</p> <p>5 of those documents; isn't that right?</p> <p>6 A. I believe 24 different paragraphs, yes,</p> <p>7 sir.</p> <p>8 Q. And Exhibit 35 is what?</p> <p>9 (Defendant's Exhibit 35 was marked</p> <p>10 for identification.)</p> <p>11 A. That was a document I created for my own</p> <p>12 use so that I made sure that I cut through</p> <p>13 the legalese and brought in what I did have</p> <p>14 and could find during the time period from</p> <p>15 when I received the subpoena till now.</p> <p>16 Q. And that list corresponds to the numbers on</p> <p>17 the document request; is that right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And that list tells me whether you had</p> <p>20 documents that I had requested or whether</p> <p>21 you did not have documents that I had</p> <p>22 requested; is that correct?</p> <p>23 A. It more breaks down to -- you asked me for</p>
Page 222	Page 224
<p>1 would be my understanding.</p> <p>2 Q. And that letter was addressed to you, but</p> <p>3 also addressed to all other faculty members</p> <p>4 individually, correct?</p> <p>5 A. That is my understanding.</p> <p>6 Q. And therefore, that letter does not really</p> <p>7 relate to or apply to any specific</p> <p>8 criticism you made of Dr. Blackwell or to</p> <p>9 her; wouldn't that be correct?</p> <p>10 A. That's what I would perceive it as. I</p> <p>11 brought it because you asked for all</p> <p>12 CVCC --</p> <p>13 Q. Pardon me?</p> <p>14 A. I said you asked me to bring any piece of</p> <p>15 paper I had --</p> <p>16 Q. Yes, ma'am. I appreciate it.</p> <p>17 A. -- about CVCC, so I brought it.</p> <p>18 (Defendant's Exhibit 34 was marked</p> <p>19 for identification.)</p> <p>20 Q. All right. 34 is -- have you ever seen</p> <p>21 that?</p> <p>22 A. That would be my subpoena here.</p> <p>23 Q. Did you come?</p>	<p>1 anything from any student. I had assumed</p> <p>2 we'd go through -- I have, like, letters of</p> <p>3 thanks and plaques and that kind of thing I</p> <p>4 did not bring and I assumed you did not</p> <p>5 want.</p> <p>6 But anything that I did have in these</p> <p>7 categories I brought. And if it was</p> <p>8 something that would have been warehoused</p> <p>9 and -- at CVCC, I marked that it should be</p> <p>10 at CVCC.</p> <p>11 Q. But you made a diligent search for all the</p> <p>12 documents described in there; is that</p> <p>13 right?</p> <p>14 A. I have made -- yes, sir, for the time</p> <p>15 period that I've had.</p> <p>16 Q. Well, do you think you may have additional</p> <p>17 documents that are responsive?</p> <p>18 A. I don't think so, but I don't know. I have</p> <p>19 boxes and drawers and file folders of</p> <p>20 teaching things and whatever that I have</p> <p>21 gone through and cleared out some things,</p> <p>22 but I don't know that there's not a box</p> <p>23 somewhere that I haven't found or gotten to</p>



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<p>1 yet.</p> <p>2 Q. Well, if you find any other documents, as</p> <p>3 soon as you do, would you mind giving me a</p> <p>4 call?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You have my number, I believe, don't you?</p> <p>7 A. Yes, sir, I do.</p> <p>8 Q. I would appreciate that.</p> <p>9 Now, let me make sure I understand one</p> <p>10 thing. It's your position that you did not</p> <p>11 know until August 29 that the form that</p> <p>12 we've previously discussed that is included</p> <p>13 in Exhibit ...</p> <p>14 A. And if I can correct -- I believe I said --</p> <p>15 August 26th or sometime right before that.</p> <p>16 Q. I'm sorry. Yeah, you did. You said the</p> <p>17 29th. It was really August 26th that --</p> <p>18 A. Or sometime before that.</p> <p>19 Q. So it's your position that you did not</p> <p>20 know --</p> <p>21 A. That I remember, yes, sir.</p> <p>22 Q. -- that that form that we've discussed</p> <p>23 which is in Exhibit 28, the form that you</p>	<p>1 A. Do you mean my --</p> <p>2 Q. That's it.</p> <p>3 A. I'm thinking college transcripts.</p> <p>4 Q. I'm sorry. This is a sworn statement that</p> <p>5 you gave; is that correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, this document says -- how about that.</p> <p>8 It says -- it has a style on it: In the</p> <p>9 United States District Court for the Middle</p> <p>10 District of Alabama, Opelika Division,</p> <p>11 Lindy Wright versus Chattahoochee Valley</p> <p>12 Community College, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you understand a lawsuit had been filed</p> <p>15 when you gave this?</p> <p>16 A. Yes, sir.</p> <p>17 Q. There were two lawyers present --</p> <p>18 A. If I can go back.</p> <p>19 Q. Yes, ma'am.</p> <p>20 A. I understood -- I don't know if I knew one</p> <p>21 had been filed or if it was in the process</p> <p>22 of being filed, but I knew that lawyers</p> <p>23 going back and forth, talking to each other</p>
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<p>1 say Katie Lackey faxed for you to all of</p> <p>2 the folks for employment verification, you</p> <p>3 didn't know that form was inadequate --</p> <p>4 A. That I recall -- no, sir, I was not told</p> <p>5 that.</p> <p>6 Q. -- until the 26th of August?</p> <p>7 A. I said some point in time close to the</p> <p>8 26th.</p> <p>9 Q. I thought you said you found out in the</p> <p>10 meeting on the 26th.</p> <p>11 A. I said just a little bit before that, a</p> <p>12 couple of days before that, I believe.</p> <p>13 Q. If you found out a couple of days before,</p> <p>14 who told you?</p> <p>15 A. I don't recall. I'm just saying I don't</p> <p>16 remember exactly when I found out, but I</p> <p>17 believe it was sometime that week up and to</p> <p>18 the day of that meeting.</p> <p>19 Q. But you really don't know?</p> <p>20 A. No.</p> <p>21 Q. Did you bring your transcript today? Yeah,</p> <p>22 you did. You went to your truck -- your</p> <p>23 car --</p>	<p>1 was going on.</p> <p>2 Q. All right. There were two lawyers present</p> <p>3 at your giving of this sworn statement,</p> <p>4 correct?</p> <p>5 A. Yes, sir, that I remember.</p> <p>6 Q. One of them was Jennifer Cooley. Did you</p> <p>7 know who she represents -- or who she</p> <p>8 represented?</p> <p>9 A. Lindy Wright was my assumption. I don't</p> <p>10 know that --</p> <p>11 Q. She never said?</p> <p>12 A. I just assumed, and I guess I was told she</p> <p>13 was Lindy's lawyer.</p> <p>14 Q. Who did Peter Dumbuya represent, then?</p> <p>15 A. My assumption was Lindy Wright.</p> <p>16 Q. Your assumption was that both of them</p> <p>17 represented Lindy Wright?</p> <p>18 A. Yes, sir.</p> <p>19 Q. The court reporter was from a firm called</p> <p>20 Courtney Tillman Peters; is that right?</p> <p>21 A. Looking at this, I would assume her name</p> <p>22 was Courtney Tillman Peters.</p> <p>23 Q. You're right.</p>

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1 A. And the firm was Causey & Peterson.  
2 Q. And they're from where?  
3 A. According to this, Columbus, Georgia.  
4 Q. Were you sworn in in this deposition?  
5 A. Yes, sir.  
6 Q. Look at the --  
7 A. I'm assuming I was.  
8 Q. It says you were.  
9 A. Okay. Then I was.  
10 Q. It says -- look on page four. Whereupon,  
11 the deposition --  
12 A. Oh, yes. Okay.  
13 Q. Having been first duly sworn, testified as  
14 follows. Okay?  
15 A. Yes, sir.  
16 Q. But do you remember being sworn in? Do you  
17 remember --  
18 A. Yes, sir. I mean, I'm just --  
19 Q. -- raising your hand and saying I will or I  
20 do, I swear I will or whatever --  
21 A. Promise to tell the truth, the whole truth  
22 and nothing but the truth, so help me God.  
23 Q. All right. Look at page 34.

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1 A. Little page? I've got little pages.  
2 Q. I'm sorry. It's still page 34, but it's --  
3 A. Okay.  
4 Q. It says State of Georgia, County of  
5 Muscogee. The foregoing transcript of the  
6 proceedings was taken before me as a  
7 certified court reporter in and for the  
8 State of Georgia and reduced to this  
9 transcript under my direction and  
10 supervision, and I certify that it is a  
11 true and correct and complete transcript to  
12 the best of my ability of the proceedings.  
13 Now, you gave this in the state of  
14 Alabama, didn't you?  
15 A. Yes, sir.  
16 Q. And this court reporter was a Georgia court  
17 reporter; isn't that right?  
18 A. She did not tell me she was from Georgia.  
19 I did not ask. I saw this like a week ago,  
20 so ...  
21 Q. I know you did not get the court reporter.  
22 I know you did not.  
23 A. I have no reason to doubt that she's from

1 Georgia since it says she's from Georgia.  
2 Q. Do you know whether she is authorized to  
3 administer oaths in the state of Alabama?  
4 A. No, sir, but I don't know that she is  
5 either. (Indicating.)  
6 Q. She is. I promise you. All right. Now,  
7 let's go to a page --  
8 (Brief interruption.)  
9 Q. Now, on page 10, would you look at page  
10 10.  
11 A. Yes, sir. Yes, sir.  
12 Q. Wait a minute. I'm sorry. Page 10, line  
13 five, the question from Ms. Cooley: Was  
14 there ever a time that you can recall --  
15 THE WITNESS: I'm sorry. Can I  
16 stop this for one second. I  
17 apologize, but I'm fixing to  
18 be ill.  
19 (Brief recess was taken.)  
20 Q. Page 10, I was reading the question that  
21 Ms. Cooley asked you: Was there ever a  
22 time you can recall where you had a  
23 conversation with Ms. Peterson specifically

1 regarding Ms. Wright -- Lindy Wright? You  
2 said, yes. And she said, do you recall  
3 that conversation? You said, yes, I do.  
4 MR. NIX: Brandy, do we have a  
5 clean copy of this?  
6 I'm going to mark this  
7 statement as Exhibit 36. When  
8 I refer to it, it will be  
9 Exhibit 36.  
10 (Defendant's Exhibit 36 was marked  
11 for identification.)  
12 Q. That's what I'm reading from now. I was  
13 reading from page 10 of that. Your  
14 response, if you'll read along with me --  
15 and I don't think we need to read every  
16 word, but you say, yes, this -- it's hard  
17 to say verbatim with it having been a  
18 period of time, but the gist of the  
19 conversation was Ms. Peterson came into the  
20 faculty offices. And as I recall, Brenda  
21 Bellamy was present and potentially Deborah  
22 Gruber. Grouper here, G-R-O-U-P-E-R.  
23 And then you talk about the offices and

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1 about the fact that she asked if anyone was  
2 going to fail. And then there was -- I  
3 think Ms. Bellamy said something about  
4 Lindy Wright was close, but that she'd made  
5 a C.

6 And this would have been, I guess,  
7 Ms. Gunnels, for the summer of 2005; would  
8 that be right?

9 A. Yes, sir.

10 Q. The last sentence in your answer is this:  
11 And Ms. Peterson made a statement to the  
12 effect of y'all need to flunk her, she does  
13 not need to pass, she is weak, she's not  
14 going to pass boards, y'all need to flunk  
15 her.

16 Then the statement continues to go on,  
17 and you say on page 11, it was end of  
18 summer -- line three, summer semester  
19 because we were averaging grades.

20 And then the question on paragraph --  
21 line five, page 11: Is it a regular  
22 course, I guess, of conversation for  
23 Ms. Peterson, the director of the program,

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1 to come and ask all the instructors is  
2 anyone going to fail?

3 Answer: That's very normal and that's  
4 her responsibility. She needs to know  
5 because in nursing, if they flunk a course,  
6 you know, they have an opportunity to come  
7 back. When -- how I was taught and how I  
8 handle my classes was the fact that -- and  
9 Ms. Bellamy did the same thing, was that if  
10 we thought someone was not going to pass or  
11 there was -- there were -- they were close  
12 or, in fact, did not pass, then went we  
13 back over every test, every piece of paper,  
14 met with Ms. Peterson, told her who was not  
15 going to pass. So then you talk about  
16 the -- that answer.

17 See what the question says. Let's go  
18 to page 12, Ms. Gunnels. Page 14, line  
19 seven, was there a specific course that  
20 Ms. Peterson said that Lindy needed to be  
21 failed in is the question. And your answer  
22 is: No, it was a general statement, and I  
23 perceived it not as -- and I know she would

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1 not have done, asking us to go back and  
2 change grades that Lindy had made. But the  
3 assumption at that point in time was  
4 Ms. Bellamy and I would be returning for  
5 the fall semester and we would both have  
6 Lindy again as a student -- myself in  
7 obstetrics, Ms. Bellamy in her advanced  
8 medical-surgical course work -- and it  
9 was -- or I perceived it as a in-the-  
10 future-this-needs-to-occur, that she  
11 verbalized that she did not feel that Lindy  
12 would pass the boards and would be a  
13 liability and did not need to pass.

14 And then the question is: But you do  
15 not -- you did not interpret that to mean  
16 that you needed to go back and regrade her  
17 to fail her that particular semester?

18 Answer: No, but Ms. Peterson would not  
19 have asked that of me I know. Then you go  
20 on to testify about that.

21 Tell me why you say Ms. Peterson would  
22 not have asked you to do that.

23 A. In general, I would not expect Ms. Peterson

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1 to do that and she would not ask that of  
2 me. I did not perceive it as a you-need-  
3 to-go-back-and-, as I said, -regrade or  
4 arrange things so that she received a  
5 failing grade. She is moral enough to know  
6 that I would not do that and I would not  
7 expect that of her.

8 Q. Well, sure. And Ms. Peterson would not ask  
9 that of you. She's not that kind of  
10 person; am I right?

11 A. From my interactions with her, no.

12 Q. From your interactions with her, would you  
13 say she's an honest, good chairperson of  
14 that department who works in that  
15 department with integrity?

16 A. That was my interaction with her.

17 THE WITNESS: I'm sorry. I'm not  
18 going to be able to finish.

19 Q. Let me ask you one other question.

20 A. Yes, sir.

21 Q. Would it be correct to say that  
22 Ms. Peterson was not asking you to  
23 intentionally flunk Lindy Wright on any

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1 occasion, she was just commenting on the  
2 fact that she was a weak student; would  
3 that be true?

4 A. I'm sorry. Could you repeat that?

5 Q. Ms. Peterson was commenting on the fact  
6 that Lindy Wright was a weak student, but  
7 she was not asking you to in the future  
8 flunk her in a course intentionally?

9 A. My perception was she was expressing her  
10 appraisal of Ms. Wright's ability, and she  
11 was not instructing me to flunk her in any  
12 course.

13 Q. There was a question that Mr. Dumbuya asked  
14 you that misstated your statement in that  
15 regard. I don't know if I'm going to be  
16 able to find it in time to ... I'm probably  
17 not.

18 Here we go, page 18. Mr. Dumbuya is  
19 asking this question, and this is what he  
20 asked: Now, to the best of your  
21 knowledge --

22 Are you there?

23 A. Yes, sir.

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1 Q. Line five. Now, to the best of your  
2 knowledge, had Ms. Peterson made that  
3 statement before concerning another  
4 student, that you have to make sure that  
5 she flunks?

6 That's not what you said at all  
7 previously, was it?

8 A. No, sir.

9 Q. So he misinterpreted what you said, isn't  
10 that right, or he either misinterpreted it  
11 or he misstated it in some way, correct?  
12 She never said you have to flunk her, you  
13 must do it intentionally no matter what?

14 A. The question is had she ever made a  
15 statement like that to me before was how I  
16 perceived it, and I had never heard her say  
17 that before.

18 Q. Right. And she didn't say you have to make  
19 sure she flunks with respect to Lindy  
20 Wright either?

21 A. No, sir.

22 MR. NIX: That's all I have.  
23 Peter, do you have any

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1 questions?

2 MR. DUMBUYA: No.

3 MR. NIX: Thank you.

4 (The deposition was concluded at  
5 2:40 p.m. EDT.)  
6

7 \*\*\*\*\*

8 FURTHER DEPONENT SAITH NOT  
9 \*\*\*\*\*  
10

11 REPORTER'S CERTIFICATE

12 STATE OF ALABAMA:

13 MONTGOMERY COUNTY:

14 I, Lisa J. Nix, Registered Professional  
15 Reporter and Commissioner for the State of Alabama  
16 at Large, do hereby certify that I reported the  
17 deposition of:

18 SANDRA GUNNELS

19 who was first duly sworn by me to speak the truth,  
20 the whole truth and nothing but the truth, in the  
21 matter of:

22 LINDY G. WRIGHT,  
23 Plaintiff,

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1 Vs.

2 CHATTAHOOCHEE VALLEY COMMUNITY  
3 COLLEGE (CVCC),

4 Et al.,

5 Defendants.

6 In The U.S. District Court

7 For the Middle District of Alabama

8 Eastern Division

9 Case Number 3:06-CV-1087-WKW

10 on Tuesday, July 24, 2007.

11 The foregoing 239 computer printed pages  
12 contain a true and correct transcript of the  
13 examination of said witness by counsel for the  
14 parties set out herein. The reading and signing of  
15 same is hereby not waived.

16 I further certify that I am neither of kin  
17 nor of counsel to the parties to said cause nor in  
18 any manner interested in the results thereof.

19 This 30th day of July 2007.  
20  
21

22 Lisa J. Nix, Registered  
23 Professional Reporter and  
Commissioner for the State  
of Alabama at Large



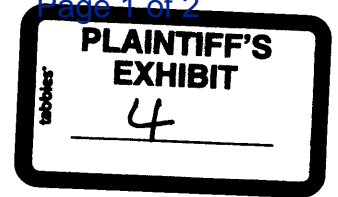
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1  
2  
3  
4 I, Sandra Gunnels, hereby certify that  
5 I have read the foregoing transcript of my  
6 deposition given on Tuesday, July 24, 2007, and it  
7 is a true and correct transcript of the testimony  
8 given by me at the time and place stated with the  
9 corrections, if any, and the reasons therefor noted  
10 on a separate sheet of paper and attached hereto.

11  
12  
13  
14 \_\_\_\_\_  
Sandra Gunnels

15  
16  
17  
18 SWORN TO AND SUBSCRIBED before me this  
19 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20  
21  
22 \_\_\_\_\_  
NOTARY PUBLIC  
23



31 August 2005

Dr. James Lowe  
Dean of Instruction  
Chattahoochee Valley Community College  
2602 College Drive  
Phenix City, Alabama 36869

Dear Dr. Lowe:

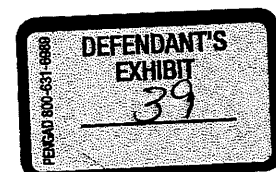
I am submitting this letter of resignation to terminate my position as nursing instructor, effective immediately. Some of the reasons, as previously discussed in numerous meetings, are cited as: contract negotiations, salary disputes, and broken verbal promises. This decision is made after numerous attempts to resolve these issues, and others, with administration, but to no avail.

Thank you for affording me the opportunity to work with Mrs. Dixie Peterson and the staff in the Health Sciences Department here at CVCC. I have never had the opportunity to work with such a knowledgeable and professional group of people. Mrs. Peterson is an outstanding leader and is highly respected by her peers and those of us fortunate enough to have worked under her guidance.

Sincerely,

A handwritten signature in black ink that reads "Brenda L. Bellamy". The signature is written in a cursive, flowing style.

Brenda L. Bellamy  
RN, MSN



Chattahoochee  
Valley Community College

Laurel M. Blackwell, Ed.D.  
President

2602 College Drive  
Phenix City, Alabama 36869  
1.334.291.4981  
1.334.291.4944(fax)

August 31, 2005

Mrs. Brenda Bellamy  
2700 Double Churches Road  
Apartment 338  
Columbus, GA 31909

Dear Mrs. Bellamy:

This letter serves as my official acceptance of your resignation from Chattahoochee Valley Community College effective today, August 31, 2005.

Best wishes in your future endeavors.

Sincerely,

*Laurel M. Blackwell*

Laurel M. Blackwell, Ed.D.  
President

LMB/db

52ER 5722 2000 0980 2002

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
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Sent To Brenda Bellamy  
Street, Apt. No.;  
or PO Box No. 2700 Double Churches Rd Apt 338  
City, State, ZIP+4 Columbus GA 31909  
PS Form 3800, April 2002 See Reverse for Instructions



**DEPOSITION OF BRENDA BELLAMY**

**July 24, 2007**

**Pages 1 through 94**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.**  
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June 24, 2007

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE MIDDLE DISTRICT OF ALABAMA  
 3 EASTERN DIVISION  
 4  
 5 LINDY G. WRIGHT,  
 6 Plaintiff,  
 7 Vs. CIVIL ACTION NO.  
 8 3:06-CV-1087-WKW  
 9 CHATTAHOOCHEE VALLEY  
 10 COMMUNITY COLLEGE (CVCC),  
 11 et al.,  
 12 Defendants.  
 13 \*\*\*\*\*  
 14 DEPOSITION OF BRENDA BELLAMY, taken  
 15 pursuant to stipulation and agreement before Lisa  
 16 J. Nix, Registered Professional Reporter and  
 17 Commissioner for the State of Alabama at Large, in  
 18 the Conference Room, Ramada Inn, Limited, 3560  
 19 Highway 431 North, Phenix City, Alabama on Tuesday,  
 20 July 24, 2007, commencing at approximately  
 21 3:10 p.m. EDT.  
 22 \*\*\*\*\*  
 23

Page 3

1 EXHIBIT INDEX  
 2  
 3 MAR  
 4 DEFENDANT'S EXHIBIT  
 5 38 Resume of Brenda Bellamy 30  
 6 39 8/31/05 letter to Dr. James Lowe from 36  
 7 Brenda Bellamy; 8/31/05 letter to Brenda  
 8 Bellamy from Laurel Blackwell  
 9 40 8/23/05 e-mail to James Lowe and Laurel 42  
 10 Blackwell from Brenda Bellamy  
 11 41 Employment Experience Verification Form 42  
 12 42 Composite exhibit - documents produced 61  
 13 by Brenda Bellamy consisting of  
 14 certification cards, Master of Science  
 15 in Nursing certification, copy of  
 16 nursing license  
 17 43 Composite exhibit consisting of 81  
 18 application documents for Brenda Bellamy  
 19  
 20  
 21  
 22  
 23

Page 2

1 APPEARANCES,  
 2  
 3 FOR THE PLAINTIFF:  
 4 Mr. Peter A. Dumbuya  
 5 Attorney at Law  
 6 Post Office Box 3302  
 7 Phenix City, AL 36868  
 8  
 9 FOR THE DEFENDANT:  
 10 Ms. Brandy F. Price  
 11 NIX, HOLTSFORD, GILLILAND,  
 12 HIGGINS & HITSON  
 13 Attorneys at Law  
 14 Suite 300  
 15 4001 Carmichael Road  
 16 Montgomery, AL 36106  
 17  
 18 ALSO PRESENT:  
 19 Dr. Laurel Blackwell  
 20 Ms. Dixie Peterson  
 21 \*\*\*\*\*  
 22 EXAMINATION INDEX  
 23 BRENDA BELLAMY  
 BY MS. PRICE ..... 5

Page 4

1 STIPULATION  
 2 It is hereby stipulated and agreed by and  
 3 between counsel representing the parties that the  
 4 deposition of BRENDA BELLAMY is taken pursuant to  
 5 the Federal Rules of Civil Procedure and that said  
 6 deposition may be taken before Lisa J. Nix,  
 7 Registered Professional Reporter and Commissioner  
 8 for the State of Alabama at Large, without the  
 9 formality of a commission, that objections to  
 10 questions other than objections as to the form of  
 11 the question need not be made at this time but may  
 12 be reserved for a ruling at such time as the said  
 13 deposition may be offered in evidence or used for  
 14 any other purpose by either party provided for by  
 15 the Statute.  
 16 It is further stipulated and agreed by and  
 17 between counsel representing the parties in this  
 18 case that the filing of said deposition is hereby  
 19 waived and may be introduced at the trial of this  
 20 case or used in any other manner by either party  
 21 hereto provided for by the Statute regardless of  
 22 the waiving of the filing of the same.  
 23 It is further stipulated and agreed by and

June 24, 2007

Page 5

1 between the parties hereto and the witness that the  
2 signature of the witness to this deposition is  
3 hereby not waived.

4  
5 \* \* \* \* \*

6  
7 BRENDA BELLAMY

8 The witness, after having first been duly  
9 sworn to speak the truth, the whole truth and  
10 nothing but the truth testified as follows:

11 EXAMINATION

12 BY MS. PRICE:

13 Q. Ms. Bellamy, my name is Brandy Price.

14 We've met off the record informally. Could  
15 you state your full name for the record.

16 A. Brenda Louise Bellamy.

17 Q. And I know we've talked about some of the  
18 protocol for the deposition. As I  
19 explained before, the court reporter is  
20 going to be taking down everything we say.  
21 All I would ask, if you don't understand  
22 one of my questions, please let me know.  
23 Okay?

Page 7

1 Just in general, you know we're here  
2 for a lawsuit filed by Ms. Wright; is that  
3 correct?

4 A. Yes, according to the ...

5 Q. Do you understand why you're here today?

6 A. No.

7 Q. Do you understand anything about the  
8 lawsuit that Ms. Wright has filed?

9 A. No.

10 Q. Did you know that Ms. Wright had filed a  
11 lawsuit against Chattahoochee Valley  
12 Community College?

13 A. Yes, when I received the deposition.

14 Q. When you received the subpoena; is that  
15 correct?

16 A. I mean the subpoena, yes.

17 Q. Is that the first time you knew that  
18 Ms. Wright had filed a lawsuit?

19 A. Yes. I'm trying to think.

20 Q. Let me go ahead and tell you. Ms. Wright  
21 has filed a lawsuit against Chattahoochee  
22 Valley Community College, Dixie Peterson,  
23 Dr. Laurel Blackwell and Dr. James Lowe.

Page 6

1 A. (Witness nods head up and down.)

2 Q. Is that a yes?

3 A. Yes

4 Q. And that was one thing we talked about.

5 You're nodding your head, and she can't  
6 take nods of the head down, so please make  
7 sure you give me a verbal answer.

8 Additionally, I'm going to assume if  
9 you answer my question that you understood  
10 my question. Is that all right?

11 A. Yes.

12 Q. Just to start off with, to go ahead and get  
13 it out of the way, I'm going to show you --

14 Is this the subpoena that you received  
15 to appear at the deposition today?

16 A. Yes

17 Q. And the documents that you gave me in this  
18 folder that are labeled case, those are the  
19 documents that you brought with you  
20 pursuant to that subpoena, correct?

21 A. Yes, that's correct.

22 Q. And we'll go through those in the  
23 deposition and label those as exhibits.

Page 8

1 Did you know that she has filed the  
2 lawsuit against Dr. Blackwell, Dr. Lowe,  
3 and Ms. Peterson as well?

4 A. No.

5 Q. And you have no understanding at all as to  
6 why Ms. Wright would list you as a witness  
7 in this matter?

8 A. No.

9 Q. Prior to today, have you ever been  
10 contacted by Ms. Wright's counsel or an  
11 attorney for Ms. Wright about giving a  
12 statement of any kind?

13 A. No.

14 Q. Have you been contacted by any attorney on  
15 behalf of Ms. Wright?

16 A. No.

17 Q. Have you been contacted by Ms. Wright prior  
18 to today?

19 A. No.

20 Q. Did Ms. Wright call you or try to call you  
21 to tell you that you might be subpoenaed in  
22 this case?

23 A. Yes.

Page 9

1 Q. Do you remember when that was?

2 A. No, I don't.

3 Q. Has it been in the last month?

4 A. I can't remember when it was.

5 Q. Do you remember any event around that time

6 that may help you narrow down the time

7 period that she may have called you?

8 A. I was at work. I think I was at work, and

9 she called and said something about I might

10 be contacted, but no details of what --

11 what's going on.

12 Q. Was that sometime this summer?

13 A. Yes. Yes, definitely summer.

14 Q. Was that all you talked about, just the

15 fact that you might be contacted --

16 A. Yes.

17 Q. -- for this case?

18 A. No details.

19 Q. Was that the first time you knew that there

20 was something going on as far as litigation

21 or legal action?

22 A. Yes.

23 Q. Has anyone else other than Ms. Wright

Page 10

1 mentioned this lawsuit to you?

2 A. No.

3 Q. Have you talked to anyone today about

4 giving -- about giving deposition

5 testimony?

6 A. Yes.

7 Q. Who?

8 A. My husband. I told him I had to come, and

9 he brought me.

10 Q. Have you talked to anyone else?

11 A. No.

12 Q. I assume you told your employers that you

13 had to come here.

14 A. Yes.

15 Q. Other than your employer and your husband,

16 there hasn't been anyone else?

17 A. No.

18 Q. Did Ms. Wright call you and let you know

19 that she was going to list you as a witness

20 at any point prior to this -- prior to the

21 call you received about the deposition

22 today?

23 A. I'm not sure what you mean by witness. Do

Page 11

1 you mean if the case goes to court?

2 Q. Yes, ma'am. And let me -- she has listed a

3 number of people, including you, as

4 possible witnesses in this case.

5 At any point previous to the scheduling

6 of your deposition and her contacting you

7 to tell you that you were going to have a

8 deposition soon, did she tell you or anyone

9 tell you that you were being listed as a

10 witness in this case?

11 A. No, that's not what I was told.

12 Q. When was the first time that you knew you

13 were listed as a witness in this matter?

14 A. Now, when you say witness, are you meaning

15 if the case goes to court?

16 Q. No, ma'am. Right now, you're considered a

17 witness right now because you're sitting

18 here giving testimony.

19 A. Okay.

20 Q. When was the first time you knew you were

21 going to be a witness and possibly have to

22 give testimony in this case?

23 A. The only thing I knew about this case was

Page 12

1 when I got that call at home -- I mean at

2 work. I'm sorry.

3 Q. From Ms. Wright?

4 A. Yes. That was the only time.

5 Q. And since you left CVCC, I believe the date

6 was August 31st, 2005, have you spoken to

7 Ms. Wright up until the point where she

8 called you the other day?

9 A. No. I left in 2005. Not that I can

10 remember.

11 Q. So that phone call that you got at work is

12 the only time you remember hearing from

13 Ms. Wright since you left CVCC?

14 A. Yes, that's the only time I can remember.

15 Q. And I know the nursing community here is

16 small. Have you run into her at work or at

17 any -- any nursing function or work that

18 you may have attended?

19 A. Since I left the school, I did see her once

20 at work. She used to work there. But it

21 had nothing to do with this case, just a

22 hi, hi. I don't even think this case was

23 in effect then.

June 24, 2007

Deposition of Brenda Bellamy

Page 13	Page 15
<p>1 Q. Did she mention anything about her 2 situation at CVCC or the fact that she was 3 no longer attending CVCC? 4 A. Yes. 5 Q. Did she elaborate on that any at all? 6 A. No. 7 Q. Did she give any details about why she was 8 no longer attending CVCC? 9 A. No. I have no idea. 10 Q. Do you have any idea how long as far as 11 length of time your conversation was with 12 her on that occasion? 13 A. No, but it was real short. 14 Q. Was it brief, just passing at work? 15 A. Are you referring to when I ran into her up 16 on the floor or -- 17 Q. Yes, ma'am. 18 A. Oh, gosh. That was quick. That was very 19 brief, just basically passing. 20 Q. And did she mention -- is that the time 21 that she mentioned that she was no longer 22 attending CVCC to you? 23 A. Yes.</p>	<p>1 the depositions that were scheduled today? 2 A. Can you repeat that? 3 Q. I sure can. Prior to arriving today at the 4 deposition, have you at any time spoken to 5 Ms. Gunnels about being deposed? 6 A. Oh, still talking about her? No. No. 7 Q. Now, are you and Ms. Gunnels friends? 8 A. Yes. 9 Q. How long have you known Ms. Gunnels? 10 A. I honestly can't remember exactly how 11 long. I knew her before CVCC, so I don't 12 know. 13 Q. It's been a number of years? 14 A. Yes, it has. 15 Q. And how do y'all know each other? 16 A. Well, we both used to work at St. Francis. 17 Q. And when was the last time you spoke to 18 Ms. Gunnels prior to today? 19 A. It's been a long time. 20 Q. Have you spoken to her any at all this 21 summer? 22 A. No. 23 Q. Have you spoken to her at all this year?</p>
Page 14	Page 16
<p>1 Q. Was that the first time you had ever heard 2 that she was no longer attending CVCC? 3 A. Yes. 4 Q. Have you ever spoken with a Ms. Jennifer 5 Cooley? 6 A. Jennifer Cooley? 7 Q. Cooley. 8 A. I don't know who that is. 9 Q. And the gentleman sitting to your right is 10 Mr. Peter Dumbuya. Have you ever met him 11 before or spoken with him before? 12 A. I don't think so. I don't know who he is. 13 Q. Have you ever spoken with a lady named 14 Connie Cooper? 15 A. No. 16 Q. Other than Lindy Wright, have you spoken to 17 anyone else regarding Ms. Wright's lawsuit? 18 A. No. 19 Q. And I know Ms. Gunnels just left the room. 20 Did you speak to her about her deposition 21 after she left? 22 A. No. 23 Q. Have you talked to her prior to today about</p>	<p>1 A. I don't think so. 2 Q. Let me ask you this. Would you consider 3 Ms. Gunnels a close friend or more of an 4 acquaintance through work? 5 A. Acquaintance through work. 6 Q. As far as any preparation that you did for 7 the deposition today, did you do any kind 8 of preparation for the deposition? 9 A. No. Does that include Xeroxing those 10 things? 11 Q. Other than preparing the documents we asked 12 for. 13 A. No. 14 Q. By that I mean, did you go through any 15 materials that you had or nursing books or 16 anything like that and look at any 17 materials in preparation for today? 18 A. No. 19 Q. And you didn't have any other files or 20 documents other than these that you thought 21 were relevant and you thought that we'd 22 requested? 23 A. No.</p>



June 24, 2007

Deposition of Brenda Bellamy

Page 17	Page 19
<p>1 Q. That was not a very good question, but ...</p> <p>2 Do you have any knowledge at all as to</p> <p>3 why you were listed as a witness in this</p> <p>4 case?</p> <p>5 A. No.</p> <p>6 Q. Do you have any inkling of an idea why you</p> <p>7 would have been listed as a witness in this</p> <p>8 case?</p> <p>9 A. What do you mean by inkling of an idea?</p> <p>10 Q. Just any small thought that you had of why</p> <p>11 you would have been listed as a witness.</p> <p>12 A. Yes, I have a small thought.</p> <p>13 Q. What is that?</p> <p>14 A. I used to be one of her instructors.</p> <p>15 Q. Tell me what courses you taught that</p> <p>16 Ms. Wright was a student in.</p> <p>17 A. I think it was 251, Nursing 251 and Nursing</p> <p>18 252. It's been a while. I'm just trying</p> <p>19 to -- I want to say 271, but I can't</p> <p>20 remember.</p> <p>21 Q. 251 and 252 would have been in the ADN --</p> <p>22 A. I think it was med-surg.</p> <p>23 Q. Did you teach Ms. Wright at all when she</p>	<p>1 Q. And then you would have had her for Nursing</p> <p>2 252 as well; is that correct?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. Now, that was -- that would have been the</p> <p>5 semester that you resigned. It's my</p> <p>6 understanding that she took that</p> <p>7 semester -- that she took that class in the</p> <p>8 fall semester of 2005, and that was the</p> <p>9 semester that you resigned, I believe</p> <p>10 August 31st, 2005; is that correct?</p> <p>11 A. My memory ...</p> <p>12 Q. Take your time. If you need to think about</p> <p>13 it, that's fine. I know it's been a</p> <p>14 long ...</p> <p>15 A. Oh, gosh. Can I ask you a question? Am I</p> <p>16 allowed to ask anybody?</p> <p>17 Q. Do you mean ask me a question to clarify</p> <p>18 or --</p> <p>19 A. Can I speak to anybody else at the table or</p> <p>20 just you?</p> <p>21 Q. No, ma'am, just me for now.</p> <p>22 And let me tell you this. It is</p> <p>23 perfectly all right if you don't know, it</p>
Page 18	Page 20
<p>1 was receiving her LPN degree at CVCC?</p> <p>2 A. No.</p> <p>3 Q. So you didn't have her as a student until</p> <p>4 she started in the ADN program?</p> <p>5 A. Yes.</p> <p>6 Q. And Nursing 251, what type of course was</p> <p>7 that?</p> <p>8 A. Med-surg.</p> <p>9 Q. And that was -- that would have been in the</p> <p>10 summer of '05?</p> <p>11 A. I honestly don't remember when it was.</p> <p>12 Q. Was 251 the first class that you had her as</p> <p>13 a student?</p> <p>14 A. Yes, I believe so. I think so.</p> <p>15 Q. Is that the first time you had ever met</p> <p>16 Ms. Wright was in that class?</p> <p>17 A. I can't remember the dates. I'm not sure</p> <p>18 if I knew her before, if she worked at</p> <p>19 Doctors before or after. No, I think I</p> <p>20 knew her before she started class.</p> <p>21 Q. From work at Doctors?</p> <p>22 A. No, I think she used to work at</p> <p>23 St. Francis, I think.</p>	<p>1 is perfectly okay to say that, and we can</p> <p>2 rely on something else to kind of plug that</p> <p>3 in for us if we need to.</p> <p>4 Let me ask you this. Are you having a</p> <p>5 hard time remembering what course --</p> <p>6 A. Yes.</p> <p>7 Q. -- you were teaching --</p> <p>8 A. Yes.</p> <p>9 Q. -- when you left CVCC?</p> <p>10 A. Yes. And I'm having a hard time</p> <p>11 remembering what semester everything was</p> <p>12 in.</p> <p>13 Q. From the records, I believe you left on</p> <p>14 August 31st, 2005, and that would have been</p> <p>15 the fall 2005 semester.</p> <p>16 A. Okay. Time flies. It don't even seem like</p> <p>17 I've been gone that long.</p> <p>18 Q. But, I mean, assuming we have documents to</p> <p>19 support that, will you agree that your date</p> <p>20 of resignation was August 31st, 2005?</p> <p>21 A. Yes.</p> <p>22 Q. As far as Nursing 251, which I understand</p> <p>23 was med-surg, can you tell me or describe</p>

June 24, 2007

Page 21

Page 23

1 to me how Lindy was as far as a student.  
2 For example, how was her performance in the  
3 class?  
4 A. Can you specify performance, exactly what  
5 you want?  
6 Q. I understand, and I want to make sure this  
7 is correct. That class was two  
8 components. There was a clinical component  
9 and an academic component.  
10 A. That's correct.  
11 Q. On the academic component, how did she  
12 perform in the classroom setting  
13 academically on the tests that were given,  
14 quizzes that you may have given, things  
15 like that?  
16 A. She passed the course.  
17 Q. Do you remember what her grade was in that  
18 course?  
19 A. No.  
20 Q. Do you remember whether or not she received  
21 a C in that course?  
22 A. I honestly don't remember.  
23 Q. Do you have any -- if you had to describe

1 A. She did very well in clinicals from what I  
2 can remember.  
3 Q. Did you have her in clinicals for med-surg  
4 or was that a different clinical group or  
5 different class that you had her in for  
6 clinicals?  
7 A. No, I think she was in my med-surg  
8 clinicals at St. Francis.  
9 Q. Do you have any recollection of ever  
10 discussing Ms. Wright's performance with  
11 Ms. Gunnels and Ms. Peterson?  
12 A. Are you referring to her performance in  
13 class or performance in clinicals?  
14 Q. Her overall performance in your med-surg  
15 class or any other class.  
16 A. It would be a lot easier to answer it if I  
17 had her grades in front of me.  
18 Q. I understand. Just based on your best  
19 recollection, do you have any recollection  
20 of discussing her performance with  
21 Ms. Peterson and Ms. Gunnels -- or  
22 Ms. Gunnels?  
23 A. The only thing I can actually remember is

Page 22

Page 24

1 her as far as a student, would you describe  
2 her as a weak student or was she strong  
3 academically?  
4 A. Academically, that's a difficult question  
5 because I don't remember what grade she  
6 received.  
7 Q. A student who receives a C in a course,  
8 would you describe that student as weak or  
9 strong academically, just in general?  
10 A. In general?  
11 Q. Yes. If I was a student --  
12 A. Average.  
13 Q. If I was a student in one of your courses  
14 and I received a low to mid C, would you  
15 consider me a weak student or an average  
16 student?  
17 A. If you're referring to the A, B, C scale,  
18 that would be considered weak.  
19 Q. Do you remember or have any recollection as  
20 to how Ms. Wright performed in the clinical  
21 setting in your class?  
22 A. Yes. I had her in clinical group.  
23 Q. How did she perform clinically?

1 we actually discuss -- if we have students  
2 that are, you know, borderline, meaning  
3 barely passing or whatever, we sit down and  
4 discuss ways that we can perhaps, you know,  
5 assist these students, you know, like extra  
6 credit -- not credit, but extra -- what  
7 word am I looking for? We have a separate  
8 class where we give them extra instruction,  
9 make sure they understand.  
10 Q. Like extra --  
11 A. I can't think of the word now.  
12 Q. Almost like a tutoring session?  
13 A. There you go. That's the word I'm looking  
14 for, tutoring.  
15 Q. Did you ever have any tutoring sessions  
16 with Ms. Wright?  
17 A. I had study group once a week, and I was  
18 trying to think if she attended it. I  
19 think she did. I want to say she did, but  
20 I'm not sure.  
21 Q. Do you remember any of the other students  
22 who may have attended that study group?  
23 A. Oh, gosh. No.

Deposition of Brenda Bellamy

Page 25	Page 27
<p>1 Q. Would that have been a study group for the 2 med-surg class, 251? 3 A. I think so. 4 Q. And is that something you did for all 5 students or you made available for all 6 students? 7 A. Yes, it was available to everyone. 8 Q. Now, you mentioned earlier that you would 9 try to help those students that wanted help 10 through the study groups. If you had a 11 weak student in a class, did you ever 12 inform Ms. Peterson about those weak 13 students who were kind of borderline? I 14 believe you said those borderline students 15 earlier. 16 Is that something you would do just out 17 of the regular course as a teacher? If 18 there was a borderline or weak student, 19 would you let Ms. Peterson know about that 20 student? 21 A. I'm required to turn in mid semester 22 grades. At that point, any student that 23 was barely passing or not passing would be</p>	<p>1 reading off page 10 of Exhibit 2 36. 3 Q. Was that common practice for Ms. Peterson 4 to inquire about students who may not pass 5 or who were close to not passing courses? 6 A. Well, we had to notify her of anyone -- 7 yes, she was always concerned about the 8 students. 9 MR. DUMBUYA: Brandy, if you may, 10 would it be proper for you to 11 read what Ms. Gunnels said on 12 page number 10? Maybe that 13 will refresh her memory and 14 maybe she can recognize -- 15 MS. PRICE: I did read part of 16 page 10. I'm going to ask all 17 the questions I'm going to ask 18 in the deposition. If there's 19 anything you want to go back 20 and ask ... 21 Q. Did Ms. Peterson ever tell you to fail a 22 student? 23 A. No.</p>
Page 26	Page 28
<p>1 identified. But that's part of the 2 protocol. 3 Q. Ms. Gunnels has previously given a 4 statement in this case, and it is listed as 5 Exhibit 36, and in that, she mentioned a 6 conversation where she, you, and 7 Ms. Peterson have a conversation, and I 8 believe Ms. Gruber was there also. 9 She said: Ms. Peterson had come and 10 asked if anyone was going to fail, and we 11 said no. And I believe it was Ms. Bellamy 12 that said Lindy had been close in her 13 course, but that she had -- her grades had 14 come up at the end and she had made a C. 15 Do you remember having any conversation 16 where that was discussed? 17 A. I don't remember that conversation, but ... 18 Q. And that would have been in the summer of 19 2005 regarding that course. 20 A. I don't remember. I don't actually 21 remember -- honestly remember the 22 conversation. 23 MS. PRICE: For the record, I was</p>	<p>1 Q. Do you remember overhearing Ms. Peterson 2 ever tell any instructor to fail a student? 3 A. No. 4 Q. Is that something that you would believe 5 Ms. Peterson would say? 6 A. No. 7 Q. How long have you known Ms. Peterson? 8 A. Well, I've known her since I first started 9 teaching there before I moved out of town. 10 Q. When did you first start teaching at CVCC? 11 A. It was either '98 or '99, I think, because 12 I moved out of town in 2000. I moved to 13 Philadelphia. 14 Q. But then you moved back? 15 A. Yes. 16 Q. When did you move back? 17 A. It will be three years in November -- or 18 four years in November? Three or four 19 years this November. 20 Q. When you came back, did you start teaching 21 at CVCC? 22 A. Yes. 23 Q. Had you taught at CVCC prior to moving to</p>

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1 Philadelphia?

2 A. Yes.

3 Q. How many years --

4 A. I'm trying to think if I actually taught

5 classes --

6 Q. Or was it clinicals?

7 A. -- or if I was just clinicals prior to or

8 both.

9 I don't even remember if it was -- I

10 know it was at least clinicals I know for

11 sure. I can't remember if it was class

12 also because I started off part-time, and I

13 just -- I don't remember what year I went

14 full-time.

15 Q. You provided a copy of your -- it looks

16 like your resume or your CV. I assume that

17 all this information details where you were

18 when and when you were at CVCC.

19 According to it, it's got that you

20 were -- it has you there from August 2000

21 to December of 2001 as a classroom and

22 clinical instructor and then later

23 returning to CVCC in January 2005 to August

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1 2005.

2 A. That sounds right.

3 Q. Do you want to look at that and just make

4 sure that you agree with that.

5 A. I'm terrible on dates. This should be

6 accurate.

7 Q. Okay.

8 MS. PRICE: Let's mark that

9 Exhibit 38 just for the

10 record, her resume.

11 A. Okay. Yes, so it was both classroom and

12 clinicals before. That's why I keep that

13 updated.

14 (Defendant's Exhibit 38 was marked

15 for identification.)

16 Q. Do you know why y'all reported the grades

17 to Ms. Peterson mid semester and at the end

18 of the semester?

19 A. She's the -- our boss. She's the

20 department head.

21 Q. Do you know why that information would be

22 important to her as far as students'

23 performance in classes?

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1 A. Well, we have to keep her abreast of what's

2 going on in the program.

3 Q. And that's important to determine how well

4 the students are doing in the courses?

5 A. Repeat that.

6 Q. It's important to know how well the

7 students are doing in the courses?

8 A. Yes, I guess so.

9 Q. And I would assume as well, it's also

10 important to know in the nursing profession

11 that you're producing competent nurses.

12 A. That's true.

13 Q. Would you agree with that?

14 A. Yes, I would.

15 Q. I mean, if a student is not performing well

16 clinically or academically, do you believe

17 that would be an indication of how they

18 would perform in the professional

19 atmosphere as a nurse?

20 A. You're asking my personal opinion?

21 Q. Yes, ma'am.

22 A. Not necessarily so.

23 Q. Please explain what you mean by that.

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1 A. If I'm hearing you, what you're asking me

2 is if a student does poorly in school, is

3 that an indication they'll be a poor nurse;

4 is that what you're asking? If they do

5 well in school, does that make them a great

6 nurse; is that what you're asking?

7 Q. Do you think the performance of a student

8 in school has an effect on how they're

9 going to perform on the boards?

10 A. On how they're going to perform on the

11 boards?

12 Q. Yes, ma'am.

13 A. Well, the boards are an indication of how

14 well you learn the material that you're

15 taught in school.

16 Q. And additionally, a grading system is there

17 so that you can judge or assess how a

18 student is going to do in their profession

19 ultimately before you send them out into

20 the world to be nurses and take care of

21 people; would you agree with that?

22 A. Say that again.

23 Q. Do you agree in the nursing program, you



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<p>1 have grades and you determine a student's</p> <p>2 performance in the classroom and clinically</p> <p>3 so that you can determine whether or not</p> <p>4 they're well-suited to be a nurse</p> <p>5 professionally; would you agree with that?</p> <p>6 A. Yes.</p> <p>7 Q. I understand when you left on 8-31 --</p> <p>8 August 31st, 2005, that the semester had</p> <p>9 just started. Do you remember that as</p> <p>10 being correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And it's my understanding that classes</p> <p>13 started on August 22nd, 2005.</p> <p>14 A. I don't remember the exact date.</p> <p>15 Q. The day you left, it's my understanding</p> <p>16 that classes had been going on for about a</p> <p>17 week, week and a half. Do you remember</p> <p>18 that?</p> <p>19 A. I'm not sure the exact dates, but that</p> <p>20 sounds close. Classes hadn't been going on</p> <p>21 that long.</p> <p>22 Q. Had your class met at any point prior to</p> <p>23 your leaving on August 31st, 2005?</p>	<p>1 I believe that was Nursing 252.</p> <p>2 A. I think it was just once. Well, I can say</p> <p>3 we had to have at least met once, at least.</p> <p>4 Q. Do you specifically remember meeting with</p> <p>5 your class that one time --</p> <p>6 A. No.</p> <p>7 Q. -- prior to leaving on August 31st?</p> <p>8 A. No.</p> <p>9 Q. Did you meet with your class on August</p> <p>10 31st, the day that you resigned?</p> <p>11 A. Oh, gosh. No, I don't think I did. I</p> <p>12 don't think I met with my class on that</p> <p>13 day.</p> <p>14 Q. It's my understanding that you turned in</p> <p>15 your resignation on August 31st, 2005.</p> <p>16 A. Now, that I don't remember the exact date.</p> <p>17 Q. Do you remember leaving the school?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember if you turned in your</p> <p>20 resignation on the same day that you left?</p> <p>21 A. I don't remember. I would honestly have to</p> <p>22 look at my resignation letter. I would</p> <p>23 have to find it and look at it.</p>
Page 34	Page 36
<p>1 A. If classes started on the 22nd and I left</p> <p>2 on the 31st --</p> <p>3 Is that what you have recorded?</p> <p>4 Q. Yes, ma'am.</p> <p>5 A. -- I would have to have had at least one</p> <p>6 class I would think.</p> <p>7 Q. Let me show you Exhibit 24. It's a</p> <p>8 calendar that we've already marked. It may</p> <p>9 help with some reference on dates and</p> <p>10 stuff.</p> <p>11 A. Okay.</p> <p>12 Q. It's not a school calendar. It's just a</p> <p>13 general year calendar, but --</p> <p>14 A. Okay.</p> <p>15 Q. The 31st was on a Wednesday. Classes would</p> <p>16 have started on Monday, August 22nd.</p> <p>17 A. Okay.</p> <p>18 Q. So how many times would you have met with</p> <p>19 your class before you left on the 31st?</p> <p>20 A. Classes are generally just -- no, it</p> <p>21 depends on if it's -- gosh, is it once a</p> <p>22 week or twice a week.</p> <p>23 Q. Do you remember how often your class met?</p>	<p>1 Q. I have a copy of that, so maybe this will</p> <p>2 refresh your memory, so ...</p> <p>3 A. Thank goodness.</p> <p>4 Q. What I'm handing you is a letter. It's</p> <p>5 from you and it's signed to Dean Lowe dated</p> <p>6 August 31st, and also a letter from</p> <p>7 Dr. Blackwell to you dated August 31st.</p> <p>8 Can you look at those and ...</p> <p>9 A. Okay.</p> <p>10 Q. Do you remember those?</p> <p>11 A. Yes.</p> <p>12 Q. Is that the letter that you turned in</p> <p>13 informing the Chattahoochee Valley</p> <p>14 Community College that you were resigning?</p> <p>15 A. Yes, it is.</p> <p>16 Q. And the second document, is that the letter</p> <p>17 that -- the letter that you received from</p> <p>18 Dr. Blackwell regarding your resignation?</p> <p>19 A. Yes.</p> <p>20 MS. PRICE: Let's mark those as</p> <p>21 Exhibit 39.</p> <p>22 (Defendant's Exhibit 39 was marked</p> <p>23 for identification.)</p>

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<p>1 (Brief interruption.)</p> <p>2 Q. Just to read a portion of your letter, it</p> <p>3 says, Dear Dr. Lowe: I am submitting this</p> <p>4 letter of resignation to terminate my</p> <p>5 position as nursing instructor effective</p> <p>6 immediately. Some of the reasons, as</p> <p>7 previously discussed in numerous meetings,</p> <p>8 are cited as, and then you've got a list.</p> <p>9 I'd like to ask you first, why did you</p> <p>10 resign immediately and not give any notice?</p> <p>11 A. Could you repeat the question? I need a</p> <p>12 minute.</p> <p>13 Q. Your letter says that you were turning in</p> <p>14 your resignation to terminate your position</p> <p>15 effective immediately. Why did you turn in</p> <p>16 your resignation effective immediately</p> <p>17 without any notice?</p> <p>18 A. Well, I stated the reasons in the letter.</p> <p>19 Q. I'll go through those. It says: Some of</p> <p>20 the reasons, as previously discussed in</p> <p>21 numerous meetings, are cited as contract</p> <p>22 negotiations, salary disputes, and broken</p> <p>23 verbal promises.</p>	<p>1 that sticks out the most in our mind was</p> <p>2 bonuses.</p> <p>3 Q. What were you promised or -- as far as</p> <p>4 bonuses were concerned?</p> <p>5 A. We were supposed to be getting a \$10,000</p> <p>6 bonus I think it was.</p> <p>7 Q. And who had told you that you were going to</p> <p>8 be getting the \$10,000 bonus?</p> <p>9 A. Well, I had heard it from several sources:</p> <p>10 Dr. Lowe, Dr. Blackwell. Several sources.</p> <p>11 Q. Do you remember anyone else that you</p> <p>12 remember regarding that specific bonus?</p> <p>13 A. The only thing I remember is we were</p> <p>14 promised it. Several things we were</p> <p>15 promised never surfaced.</p> <p>16 Q. Do you remember any other thing other than</p> <p>17 bonuses that you feel like you were</p> <p>18 promised that you didn't get?</p> <p>19 A. Oh, gosh. To be honest, that part I just</p> <p>20 kind of had tucked that whole part away.</p> <p>21 Q. What specifically do you -- do you remember</p> <p>22 anything specifically about salary</p> <p>23 disputes?</p>
Page 38	Page 40
<p>1 Tell me what you mean by contract</p> <p>2 negotiations.</p> <p>3 A. I didn't know I was going to be on trial.</p> <p>4 MS. PRICE: Let's go off the</p> <p>5 record for just a second.</p> <p>6 (Off-the-record discussion.)</p> <p>7 (The following was read:</p> <p>8 Question: I'll go through those.</p> <p>9 It says: Some of the reasons,</p> <p>10 as previously discussed in</p> <p>11 numerous meetings, are cited</p> <p>12 as contract negotiations,</p> <p>13 salary disputes, and broken</p> <p>14 verbal promises.</p> <p>15 Tell me what you mean by</p> <p>16 contract negotiations.)</p> <p>17 A. They -- There were just things that were</p> <p>18 promised that did not surface. That's the</p> <p>19 only thing I can remember.</p> <p>20 Q. Do you remember any specific promises or</p> <p>21 any specific thing, things that were</p> <p>22 promised?</p> <p>23 A. I don't actually have a list, but the thing</p>	<p>1 A. No, I just can't off the top of my head.</p> <p>2 Q. Does that have something to do with that</p> <p>3 bonus as well?</p> <p>4 A. Does what?</p> <p>5 Q. The salary dispute, does part of that</p> <p>6 encompass the bonus issue?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember anything else that would</p> <p>9 have fallen into the salary dispute</p> <p>10 category that you were mentioning?</p> <p>11 A. I would like to say raises, but I honestly</p> <p>12 don't remember all the specifics.</p> <p>13 Q. I've got another e-mail from you to</p> <p>14 Dr. Blackwell and Dr. Lowe. It says</p> <p>15 Ms. Peterson just gave me the information</p> <p>16 regarding my verification of employment is</p> <p>17 the first sentence.</p> <p>18 Can you look at that and see if that</p> <p>19 helps you recollect anything about what was</p> <p>20 going on at the time maybe and what you</p> <p>21 mean by contract negotiations, salary</p> <p>22 disputes or the broken verbal promises in</p> <p>23 your letter.</p>

<p style="text-align: right;">Page 41</p> <p>1 A. I remember this letter. This is one of the</p> <p>2 reasons -- another reason why I resigned.</p> <p>3 Q. When you say it's one of the reasons, can</p> <p>4 you tell me what that reason is as is</p> <p>5 outlined in that letter?</p> <p>6 A. I was asked to -- this is after I had been</p> <p>7 working there. I was asked to verify my</p> <p>8 own employment, and I just felt like it was</p> <p>9 something I shouldn't handle.</p> <p>10 Q. Can you explain to me what you mean by</p> <p>11 verify your employment?</p> <p>12 A. I was asked to call -- we were all asked to</p> <p>13 call all of our past employers and get them</p> <p>14 to write us a letter saying how long we'd</p> <p>15 worked there as a nurse, whatever, and mail</p> <p>16 it to us or fax it to us or whatever and</p> <p>17 then we'd turn it in to Ms. Boone. I just</p> <p>18 felt like that that wasn't the instructor's</p> <p>19 function. That wasn't our function.</p> <p>20 Q. I just want to make sure that I understand</p> <p>21 this correctly. It's my understanding that</p> <p>22 that information was necessary so they</p> <p>23 could determine what pay scale you were on</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. It says here you were given appropriate</p> <p>2 number of years of credit for relevant work</p> <p>3 experience is 18 years.</p> <p>4 A. Yes.</p> <p>5 Q. And you were on a salary schedule of D-1;</p> <p>6 is that right?</p> <p>7 A. Yes, that's what the letter stated.</p> <p>8 Yes. Effective January 2005.</p> <p>9 Q. What about that particular day, August</p> <p>10 31st, 2005, made you decide to resign? Did</p> <p>11 anything happen or had you been planning on</p> <p>12 resigning?</p> <p>13 A. Yes, I had planned on resigning after -- as</p> <p>14 the letter stated, after several attempts</p> <p>15 to resolve some of those issues.</p> <p>16 Q. When did you decide you were going to</p> <p>17 resign? How long before you wrote that</p> <p>18 letter?</p> <p>19 A. It wasn't very long before I wrote it.</p> <p>20 Q. And why did you decide? Was there anything</p> <p>21 that prompted you to turn in your</p> <p>22 resignation effective immediately that</p> <p>23 particular day on August 31st, 2005?</p>
<p style="text-align: right;">Page 42</p> <p>1 because you were paid accordingly to --</p> <p>2 your year as a nurse would translate over</p> <p>3 to a year of teaching. Is that your</p> <p>4 understanding, or do I have that wrong? Is</p> <p>5 that correct?</p> <p>6 A. That is correct, but all this transpired --</p> <p>7 that letter -- after I had been hired on at</p> <p>8 a certain level.</p> <p>9 Q. What level had you been hired on as?</p> <p>10 A. It's in my folder. I can't remember. The</p> <p>11 items I turned in to you, that letter is in</p> <p>12 there.</p> <p>13 Q. Okay. This one, the Employment Experience</p> <p>14 Verification Form?</p> <p>15 A. Yes.</p> <p>16 MS. PRICE: The e-mail from</p> <p>17 Ms. Bellamy to Dr. Lowe and</p> <p>18 Dr. Blackwell as Exhibit 40,</p> <p>19 and we'll attach her</p> <p>20 employment experience</p> <p>21 verification form as 41.</p> <p>22 (Defendant's Exhibits 40 and 41</p> <p>23 were marked for identification.)</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I don't remember exactly what, but</p> <p>2 something happened.</p> <p>3 Q. You're aware that Ms. Gunnels resigned that</p> <p>4 same day?</p> <p>5 A. Yes, I am.</p> <p>6 Q. In Ms. Gunnels' deposition previously, she</p> <p>7 mentioned that she was at the school and</p> <p>8 she had given you a phone call. Do you</p> <p>9 remember receiving a phone call from her</p> <p>10 that day?</p> <p>11 A. Yes, I do.</p> <p>12 Q. So you weren't at the school when</p> <p>13 Ms. Gunnels -- Ms. Gunnels called you from</p> <p>14 the school?</p> <p>15 A. Yes, but I was en route.</p> <p>16 Q. And then you came to the school that day?</p> <p>17 A. Yes.</p> <p>18 Q. Did something happen once you arrived to</p> <p>19 make you decide that you were going to turn</p> <p>20 in your resignation that day, or had you</p> <p>21 already made up your mind that you were</p> <p>22 going to resign that day on your way to</p> <p>23 work or before you got in to work that day?</p>

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1 A. I'm sorry. I'm a little slow. I just ...  
 2 Q. It's okay.  
 3 A. I tried to put all of this behind me.  
 4 Q. We'll try to get through it as quick as we  
 5 can.  
 6 A. I loved teaching there. I miss it.  
 7 THE WITNESS: Can I just have a  
 8 minute?  
 9 MS. PRICE: Yeah. Do you want to  
 10 take a break for a second?  
 11 THE WITNESS: (Nods head up and  
 12 down.)  
 13 MS. PRICE: Why don't we take a  
 14 little break. Do you want  
 15 something to drink?  
 16 THE WITNESS: I'm fine. I just  
 17 need to step out.  
 18 (Brief recess was taken.)  
 19 MS. PRICE: Let's go back on the  
 20 record.  
 21 Q. Before we took a break, we were talking  
 22 about your resignation. Like I said, we'll  
 23 get through this as quick as we can. Okay?

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1 A. Okay.  
 2 Q. The question that we were talking about  
 3 before you left is, was there something  
 4 that happened that day, August 31st, 2005,  
 5 the day that you turned in your resignation  
 6 that made you decide to resign effective  
 7 immediately without giving notice?  
 8 A. There was something that happened, but I'm  
 9 just trying to think of what it was.  
 10 That's the part that ...  
 11 Q. Let's go through that day. You said you  
 12 were on your way in to work and that you  
 13 received a call from Ms. Gunnels.  
 14 A. (Witness nods head up and down.)  
 15 Q. Is that correct? That's a yes?  
 16 A. That's correct. Yes.  
 17 Q. What did you and Ms. Gunnels talk about in  
 18 that telephone conversation?  
 19 A. I can't remember. Something had just  
 20 happened at the school. I'm trying to  
 21 think of what it was specifically had  
 22 happened.  
 23 Q. Do you remember her mentioning anything

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1 about a guest speaker or speaking with Dean  
 2 Lowe in that conversation?  
 3 A. I remember our classes that day, there was  
 4 a guest speaker there. So it was -- I  
 5 guess it was expected we weren't going to  
 6 teach. I do remember that.  
 7 Q. Do you know why there was a guest speaker  
 8 in your class that day?  
 9 A. You know what? Okay. I don't remember why  
 10 there was a guest speaker, but I -- now I  
 11 remember why Ms. Gunnels called me.  
 12 Q. Okay.  
 13 A. Because she said she was banned from her  
 14 class that day, that she was told that she  
 15 was not allowed in her own classroom.  
 16 Q. Okay.  
 17 A. I do remember that now.  
 18 Q. Is that all she --  
 19 A. And that somebody else -- they had someone  
 20 else taking over her class.  
 21 Q. What time was your class that day? Was it  
 22 in the afternoon?  
 23 A. I'm trying to think. I don't remember what

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1 day of the week it was.  
 2 Q. That was on -- that's on a Wednesday.  
 3 A. Yes, I think mine -- hers was in the  
 4 morning and mine was in the afternoon, I  
 5 think.  
 6 Q. And it was my understanding from her  
 7 deposition earlier that she had called in  
 8 sick for the -- prior to, like prior -- the  
 9 class periods that she had scheduled  
 10 earlier in the -- earlier at the beginning  
 11 of that semester. Do you remember that,  
 12 her being sick or calling in sick for any  
 13 classes?  
 14 A. I do remember her calling, yeah, one day.  
 15 I can remember one day. I don't remember  
 16 what day it was.  
 17 Q. And she had mentioned something in her  
 18 deposition that because she had called in  
 19 sick, a guest speaker had been scheduled  
 20 for her class, but then she came in. Do  
 21 you remember her saying anything about  
 22 that?  
 23 A. The only thing I remember her saying is



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<p>1 that she had called in -- I want to say she</p> <p>2 called in sick one day before that, but the</p> <p>3 students -- she said the students had told</p> <p>4 her that they were told that we were both</p> <p>5 sick, and we weren't. And they were</p> <p>6 surprised when we showed up at the school.</p> <p>7 Q. Had you called in sick anytime before that</p> <p>8 day during that semester? And by that,</p> <p>9 August 31st.</p> <p>10 A. No, I don't think so.</p> <p>11 Q. You don't have any recollection of you</p> <p>12 calling in sick?</p> <p>13 A. No. I have perfect attendance in that</p> <p>14 regard.</p> <p>15 Q. When you said Ms. Gunnels called you and</p> <p>16 told you that she had been banned from her</p> <p>17 classroom, did she elaborate on this any?</p> <p>18 A. No, she just said that she was stopped, I</p> <p>19 think she said, by Dean Lowe and was told</p> <p>20 that she was not allowed to enter her</p> <p>21 classroom.</p> <p>22 Q. Do you specifically remember her using the</p> <p>23 word banned or is that just a word that</p>	<p>1 specifically why it was mentioned; is that</p> <p>2 correct?</p> <p>3 A. Right.</p> <p>4 Q. Did she mention anything to you about your</p> <p>5 contract during that telephone</p> <p>6 conversation?</p> <p>7 A. I don't remember, but I know neither one of</p> <p>8 us had signed a contract for that semester</p> <p>9 yet.</p> <p>10 Q. You, specifically, why had you not signed a</p> <p>11 contract yet that semester?</p> <p>12 A. Well, a lot of times we start the semester</p> <p>13 off teaching, and the contracts for</p> <p>14 whatever reason aren't ready at the</p> <p>15 beginning sometimes like they should. So</p> <p>16 we might be a couple of weeks into the</p> <p>17 semester and then once they get ready, then</p> <p>18 we sign it afterwards.</p> <p>19 Q. Had you received your contract at that</p> <p>20 point?</p> <p>21 A. You wouldn't by chance have a copy, would</p> <p>22 you?</p> <p>23 Q. That's what I was looking for. Do you</p>
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<p>1 you're using and you're associating with</p> <p>2 that day?</p> <p>3 A. I don't remember honestly if she said</p> <p>4 banned or not allowed. I'm not sure which</p> <p>5 one.</p> <p>6 Q. Did she mention anything else regarding any</p> <p>7 other conversation with Dean Lowe when you</p> <p>8 talked to her on the telephone?</p> <p>9 A. In reference to this?</p> <p>10 Q. Yes, ma'am.</p> <p>11 A. Nothing that I can remember.</p> <p>12 Q. Do you remember if she said anything about</p> <p>13 her contract in that telephone</p> <p>14 conversation?</p> <p>15 A. I do remember something in regards to her</p> <p>16 contract, but I can't remember what. I'm</p> <p>17 not sure if it wasn't renewed or wasn't</p> <p>18 something, it wasn't offered. Something.</p> <p>19 I can't remember what, the specifics.</p> <p>20 Q. You don't remember the specifics?</p> <p>21 A. I don't remember specifics.</p> <p>22 Q. So you remember her contract being</p> <p>23 mentioned, but you don't remember</p>	<p>1 remember having received your contract at</p> <p>2 that point?</p> <p>3 A. I don't remember, but I -- I know in the</p> <p>4 contract -- I think this is the one our</p> <p>5 bonus was supposed to be included.</p> <p>6 Q. And by that bonus, you mean that \$10,000?</p> <p>7 A. \$10,000, and it wasn't. I remember that.</p> <p>8 I don't remember if we actually had it</p> <p>9 without looking at the date.</p> <p>10 Q. Now, I know Ms. Gunnels said that she went</p> <p>11 to her office that day and her contract was</p> <p>12 in her office. Do you remember whether or</p> <p>13 not there was a contract for you when you</p> <p>14 arrived that day?</p> <p>15 A. Her contract was in her office?</p> <p>16 Q. That's what she testified earlier. I was</p> <p>17 just curious. Do you remember whether or</p> <p>18 not your contract was there as well?</p> <p>19 A. I don't remember, but when we got -- one --</p> <p>20 we all got contracts at the same time.</p> <p>21 Q. Let me ask you this. You mentioned that</p> <p>22 you were contemplating resigning prior to</p> <p>23 turning in your resignation. That's</p>

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<p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Had you spoken to anyone other than your</p> <p>4 husband, I assume, regarding this</p> <p>5 contemplation to turn in your resignation</p> <p>6 prior to doing so?</p> <p>7 A. Yes.</p> <p>8 Q. Who had you spoken to?</p> <p>9 A. Dean Lowe.</p> <p>10 Q. Do you remember when you spoke to him?</p> <p>11 A. No, I don't remember when.</p> <p>12 Q. Was it before that semester started, that</p> <p>13 fall semester of 2005?</p> <p>14 A. Yes.</p> <p>15 Q. Let's see. In your letter to Dr. Lowe, you</p> <p>16 mentioned -- in your letter of resignation</p> <p>17 to Dr. Lowe, you mentioned that your</p> <p>18 decision was made after numerous attempts</p> <p>19 to resolve these issues and others with</p> <p>20 administration, but to no avail.</p> <p>21 Had you actually had opportunities to</p> <p>22 meet with Dr. Lowe --</p> <p>23 A. Yes.</p>	<p>1 A. In the administration office. I'm sorry.</p> <p>2 Q. Do you remember what y'all talked about in</p> <p>3 that meeting?</p> <p>4 A. The same issues: Bonuses ...</p> <p>5 Q. The verification of --</p> <p>6 A. The verification of employment, I think</p> <p>7 working hours. There were other things,</p> <p>8 too. I just can't remember everything that</p> <p>9 was -- that was said, but I know ... I know</p> <p>10 that the -- it wasn't a successful</p> <p>11 meeting. I know that much.</p> <p>12 Q. And when you say it wasn't successful, you</p> <p>13 didn't feel like it was a successful</p> <p>14 meeting?</p> <p>15 A. I don't feel like anything got solved, no.</p> <p>16 Q. Now, I know the day that you resigned,</p> <p>17 Ms. Gunnels had mentioned that your husband</p> <p>18 came up to the school with you.</p> <p>19 A. Yes, that's correct.</p> <p>20 Q. Was he there to drop you off or did you ask</p> <p>21 him to come up with you that day?</p> <p>22 A. No, I asked him to come up there to carry</p> <p>23 my box to be honest. I think that's why I</p>
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<p>1 Q. -- about anything?</p> <p>2 A. Yes.</p> <p>3 Q. On how many occasions?</p> <p>4 A. I don't remember the exact number, but I</p> <p>5 know as a minimum I met in his office once,</p> <p>6 and I know he's been down to the nursing</p> <p>7 office. We asked him to come down and met</p> <p>8 with him at least once.</p> <p>9 Q. Ms. Gunnels mentioned a meeting that took</p> <p>10 place, I believe, on August 26th, 2005,</p> <p>11 with you, herself, Dr. Blackwell, Dixie,</p> <p>12 and Dean Lowe where y'all discussed some</p> <p>13 different issues in the nursing</p> <p>14 department. Do you remember that meeting?</p> <p>15 That would have been right after the</p> <p>16 beginning of that fall semester.</p> <p>17 A. If I'm remembering correctly, it was a</p> <p>18 meeting we had -- I think it was up on the</p> <p>19 hill.</p> <p>20 Q. Up on the hill, what do you mean?</p> <p>21 A. I'm sorry. In the conference room up on</p> <p>22 the hill.</p> <p>23 Q. You mean in the administration --</p>	<p>1 asked him.</p> <p>2 Q. So you had decided to resign before you got</p> <p>3 to the school that day?</p> <p>4 A. Yes.</p> <p>5 Q. And who did you turn your resignation</p> <p>6 letter in to? Do you remember which</p> <p>7 individual you gave it to or whether or not</p> <p>8 you put it in someone's mailbox?</p> <p>9 A. No, I don't. I remember taking it to the</p> <p>10 administration building, but I don't</p> <p>11 remember who I gave it to.</p> <p>12 Q. Do you remember if you gave it to Dr. Lowe</p> <p>13 or Dr. Blackwell?</p> <p>14 A. I'm trying to think if Dr. Blackwell was</p> <p>15 there that day, but I don't remember giving</p> <p>16 it to her.</p> <p>17 Q. Do you remember seeing Dr. -- I'm sorry.</p> <p>18 Go ahead.</p> <p>19 A. I'm sorry. I don't think -- I'm trying to</p> <p>20 think if Dr. Lowe was physically in his</p> <p>21 office or if his secretary -- if I gave it</p> <p>22 to him or her to give to him when he</p> <p>23 returned. I don't remember which one I</p>

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1 gave it to. It was either him or his -- I  
 2 think -- well, I want to say it was him,  
 3 but ...  
 4 Q. But you don't specifically remember?  
 5 A. No, but my husband was with me.  
 6 Q. Look, if you remember throughout the course  
 7 of the deposition at some point, you just  
 8 let me know. Okay?  
 9 A. Okay.  
 10 Q. Do you remember seeing Dr. Lowe down at the  
 11 nursing department at the time that you  
 12 came to pick up your stuff and turn in your  
 13 resignation?  
 14 A. I think -- yes, I think so. Let me see.  
 15 When I arrived, the students were  
 16 outside -- or they came outside. Oh,  
 17 gosh. Was he standing there? I'm not  
 18 sure.  
 19 Q. When you said the students were outside,  
 20 what do you mean by that?  
 21 A. I think they had been given a break or  
 22 something.  
 23 Q. By outside, you mean they weren't in the

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1 classroom?  
 2 A. Right. They were outside the building,  
 3 because they came rushing over to me.  
 4 Q. Did you speak to any of them at that time?  
 5 A. Oh, yes.  
 6 Q. Did you tell them you were about to resign  
 7 or --  
 8 A. Yes.  
 9 Q. Do you remember? Did you tell any of them  
 10 about why you were about to resign?  
 11 A. I don't think I did.  
 12 Q. Do you remember seeing Dr. Blackwell down  
 13 at the nursing department that day?  
 14 A. No, I don't remember seeing her.  
 15 Q. Earlier I had asked you if you had spoken  
 16 with anyone regarding your resignation or  
 17 the contemplation of resignation before you  
 18 resigned on August 31st, 2005. You said  
 19 Dean Lowe. Were there any other  
 20 individuals that you had spoken to  
 21 regarding your resignation?  
 22 A. Does my husband count as a person?  
 23 Q. Other than your husband.

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1 A. Okay. Okay.  
 2 Q. Let me ask you this. Did you talk to  
 3 Ms. Gunnels about --  
 4 A. That's what I'm trying to think, because we  
 5 were a close-knit group in the nursing  
 6 building, all of us. And I'm trying to  
 7 think if I had actually -- I might have  
 8 told her, you know. I want to say yes,  
 9 that I may have told her and Ms. Gruber as  
 10 well.  
 11 Q. Other than Gunnels and Gruber, were there  
 12 any other individuals that you think you  
 13 might have mentioned this to?  
 14 A. I'm not sure if I told Ms. Peterson or  
 15 not. I honestly don't know.  
 16 Q. Now, Ms. Gunnels resigned that same day.  
 17 A. (Witness nods head up and down.)  
 18 Q. That's a yes?  
 19 A. Yes.  
 20 Q. Did Ms. Gunnels talk to you prior to that  
 21 day about her consideration to resign?  
 22 A. Yes.  
 23 Q. Do you remember when she first mentioned to

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1 you that she was contemplating resigning?  
 2 A. No, I don't remember exactly when.  
 3 Q. I don't want you to guess, but can you  
 4 estimate how long before that day she had  
 5 mentioned that she may be resigning?  
 6 A. No. To be honest, I don't want to guess  
 7 and I don't remember, but there were  
 8 contract issues and all kinds of things,  
 9 you know, going ...  
 10 Q. Do you know why Ms. Gunnels was  
 11 contemplating resigning or why she  
 12 resigned?  
 13 A. Basically some of the same issues, the  
 14 reason I resigned.  
 15 Q. And by that, the contract negotiations, the  
 16 bonus issue?  
 17 A. (Witness nods head up and down.)  
 18 Q. Is that a yes?  
 19 A. Yes. I'm sorry. Yes.  
 20 Q. Some salary issues?  
 21 A. Yes, the employment verification.  
 22 Q. Ms. Gunnels, I want to go ahead just so  
 23 they're part of the record --

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1 DR. BLACKWELL: You said Gunnels

2 Q. I'm sorry, Ms. Bellamy. I'm so sorry.

3 It's been a long day.

4 I'm going to go ahead and attach the  
5 rest of these documents that you gave us  
6 today to the deposition so that the  
7 plaintiffs have them as well. And I  
8 understand that these are just -- it looks  
9 like these are all your different  
10 certifications.

11 A. Certifications.

12 Q. And your Master of Science in Nursing and  
13 your Board of Nursing cards.

14 MS. PRICE: And I think we are at  
15 Exhibit 42, so I'm just going  
16 to collectively go ahead and  
17 put these in as Exhibit 42.  
18 (Defendant's Exhibit 42 was marked  
19 for identification.)

20 Q. Do you remember a student named Arit Umoh?

21 A. I remember the name, but I never taught  
22 her.

23 Q. I understand from conversations in other

1 A. No.

2 Q. And you couldn't tell me anything about any  
3 grade appeal process that she may or may  
4 not have gone through, could you?

5 A. I don't know what's going on with her --  
6 what went on with her.

7 Q. So you couldn't tell me anything about her,  
8 whether or not she even ever filed a grade  
9 appeal or had failed a course; is that  
10 correct?

11 A. Why that name rings a bell? I don't  
12 remember if she filed an appeal, because  
13 for some reason that name sticks in my  
14 mind.

15 Q. Do you know for a fact whether or not she  
16 filed an appeal?

17 A. I don't know for a fact, but -- I don't  
18 know. I've just heard her name somewhere.

19 Q. Even if she had filed an appeal, you  
20 couldn't tell us anything about that or  
21 about her as a student?

22 A. No.

23 Q. Has anyone ever told you that Ms. Wright

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1 depositions that she was from Nigeria. I  
2 don't know if that would help your  
3 recollection of whether or not you actually  
4 met her or taught her.

5 A. No, I never taught her. That was while I  
6 was gone, meaning when I was living up  
7 North.

8 Q. Do you have any knowledge about her  
9 performance as a student?

10 A. No.

11 Q. Do you have any knowledge or has anyone  
12 told you or mentioned to you that Ms. Umoh  
13 failed any courses while attending CVCC?

14 A. I remember the name, but that was -- I  
15 wasn't even teaching there at the time, but  
16 that name just rings a bell.

17 Q. But you couldn't tell me anything  
18 specifically about her as a student, could  
19 you?

20 A. No.

21 Q. And you couldn't tell me anything about her  
22 performance, whether or not she failed or  
23 passed all her classes, could you?

1 failed two courses and was not allowed to  
2 continue in the program at CVCC -- in the  
3 ADN program?

4 A. Failed two courses?

5 Q. Yes, ma'am. Were you aware that Ms. Wright  
6 had failed two courses in the ADN program?

7 A. No. She progressed from my -- the last  
8 semester I taught from what I can remember.

9 Q. But after you left CVCC, do you have any  
10 knowledge of how Lindy continued to  
11 perform --

12 A. No.

13 Q. -- during the rest of her career as a  
14 student in the nursing program at CVCC?

15 A. No.

16 Q. So you weren't aware that she failed  
17 Nursing 252 after you left?

18 A. No.

19 Q. And you weren't aware that she failed  
20 Nursing 272 after you left?

21 A. No.

22 Q. Now, I understand -- did Ms. Wright -- I  
23 just want to ask because we've kind of



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<p>1 already talked about this. Ms. Wright 2 never contacted you after you left for any 3 help or any suggestions in any class, did 4 she? 5 A. No. You said help or suggestions in any 6 class? 7 Q. Yeah. Any advice or help as a former 8 faculty member, she never called you for 9 any outside tutorial help or anything like 10 that, did she? 11 A. No. 12 Q. Do you have any understanding of the 13 repercussions or the effect of a student in 14 the nursing program -- the ADN program at 15 CVCC failing two courses? 16 A. Yes. 17 Q. And what is your understanding of that? 18 A. If they fail two courses, it's my 19 understanding they're out of the program. 20 Q. Do you have an understanding of what course 21 forgiveness is? 22 A. No. 23 Q. And by that, you couldn't explain what</p>	<p>1 grade in that class, do you have any 2 knowledge of that policy and procedure at 3 CVCC for that student to appeal a failed 4 course? 5 A. I'm not sure. 6 Q. What do you mean by you're not sure? Is it 7 that you don't understand my question or -- 8 A. No. I understand your question, but I 9 think they have to do something in 10 writing. I think they have to put it in 11 writing if I'm not mistaken and it gets 12 turned in to -- I think to Ms. Peterson if 13 I'm not mistaken. 14 Q. Do you know what would happen to that 15 appeal after it was turned in to 16 Ms. Peterson? 17 A. (Shakes head from side to side.) 18 Q. That's a no? 19 A. I don't know who all -- I don't know who 20 all looks at it or what process -- I've 21 never had to participate in that, so I 22 don't know. 23 Q. So you never had a student appeal a failed</p>
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<p>1 course forgiveness is as applied to CVCC or 2 at CVCC, could you? 3 A. No. Could I ask you what that is? 4 Q. Not right -- 5 A. I'm sorry. I'm sorry. 6 Q. It's okay. 7 A. I was just curious. 8 Q. I'm trying to find out what you know and 9 what you can testify to. 10 A. Okay. 11 Q. That's what we're going through right now. 12 A. Okay. 13 Q. Have you ever had to participate in any 14 type of grade appeal while you were 15 teaching at CVCC? 16 A. No. 17 Q. Do you have any knowledge about the grade 18 appeal policy at CVCC? 19 A. The only thing I do know is -- are you 20 referring to if a student fails a class, 21 what happens? 22 Q. Yes, ma'am. If a student fails a class and 23 that student then decides to appeal that</p>	<p>1 grade in any of your courses at CVCC? 2 A. Not that I know of, no. 3 Q. Do you know any of Ms. Wright's relatives 4 or family members? 5 A. No. 6 Q. Are you familiar with where she's working 7 right now? 8 A. I know where she used to work, but I don't 9 think she works there anymore. 10 Q. Where is the last place that you knew that 11 she worked? 12 A. Doctors Hospital. 13 Q. I've got one more question or a couple more 14 questions about that day that you 15 resigned. 16 After you resigned, did you resign 17 before your class met that day, before you 18 were supposed to go meet your class that 19 day? 20 A. Yes, because I resigned in the morning. I 21 mean, I came in, packed my stuff that 22 morning. 23 Q. Do you know if there was a guest lecturer,</p>

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1 someone to fill in for you after you  
2 resigned? Do you have any knowledge about  
3 that?  
4 A. No, I don't.  
5 Q. What did you do as far as work or what were  
6 your plans to do for work after you  
7 resigned?  
8 A. Let me think. I was working part-time at  
9 Doctors Hospital. I went full-time there  
10 in the emergency room which is where I work  
11 now.  
12 Q. Now, I understand today is your last day of  
13 work; is that correct?  
14 A. (Shakes head from side to side.)  
15 Q. Today is not your last day of work? Did I  
16 misunderstand that?  
17 A. It's my last day of this session. I work  
18 seven on, seven off. This is day seven of  
19 12-hour shifts in a row of seven.  
20 Q. Okay. So you'll be off for seven days.  
21 A. Yes. That's correct.  
22 Q. I understand. I thought it was odd. I  
23 thought that today was your last day of

1 teaching at Columbus Tech and at CVCC at  
2 the same time?  
3 A. Yes.  
4 Q. Do you have any knowledge as far as what  
5 the class or the students were told about  
6 your resignation the day you resigned, or  
7 Ms. Gunnels' resignation for that fact?  
8 A. About what they were told as far as us  
9 resigning?  
10 Q. Yes, ma'am.  
11 A. No, I don't know what they were told.  
12 Q. After you left that day, did you receive  
13 any phone calls from any of the students  
14 about your resignation?  
15 A. Yes.  
16 Q. Do you remember? Did Ms. Wright contact  
17 you after your resignation that day?  
18 A. I'm not sure if she was one of the students  
19 that called me, but I received -- I know  
20 several students called me, e-mailed me,  
21 asked me to come back.  
22 Q. But you don't specifically remember hearing  
23 from Ms. Wright?

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1 work, so ...  
2 A. Oh, no. I love the emergency room.  
3 Q. And that's where you work, is in the  
4 emergency room?  
5 A. Yes.  
6 Q. Prior to Ms. Gunnels' resignation, had she  
7 mentioned anything to you about accepting  
8 or taking a job at Columbus Tech?  
9 A. Yes. She was already working there.  
10 Q. So she was working at Columbus Tech prior  
11 to her resignation at CVCC?  
12 A. Yes, part-time.  
13 Q. Do you know what she was doing at Columbus  
14 Tech prior to her resignation as far as  
15 what classes she was teaching or in what  
16 capacity she was teaching at Columbus Tech?  
17 A. Yes, I believe she was teaching OB and  
18 peds.  
19 Q. Do you know when she started teaching at  
20 Columbus Tech?  
21 A. I don't remember exactly. I know she was  
22 there part-time.  
23 Q. It was your understanding that she was

1 A. I don't remember, no. She may have been  
2 one of the students, but I just don't  
3 remember because there was several of them.  
4 Q. Do you know a student named April Gunnels  
5 or did you know a student named April  
6 Gunnels?  
7 A. Yes.  
8 Q. And was she one of your students?  
9 A. Yes.  
10 Q. It's my understanding that she was  
11 Ms. Gunnels' daughter-in-law. Did you know  
12 that?  
13 A. Yes, I did.  
14 MS. PRICE: Why don't we take a  
15 quick break. Do you mind?  
16 THE WITNESS: Okay.  
17 (Brief recess was taken.)  
18 Q. Let's go back on the record. Do you  
19 remember a student named Kim Smith at CVCC?  
20 A. Kim Smith?  
21 Q. Yes, ma'am.  
22 A. The name doesn't ring a bell.  
23 Q. It does not ring a bell?

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<p>1 A. It doesn't. Kim Smith. It doesn't stick 2 out in my mind. 3 Q. Okay. Do you remember a student named 4 Elise Sizemore? 5 A. Yes, I remember her name 6 Q. And after you left CVCC on August 31st, 7 2005, do you have any knowledge about 8 Ms. Sizemore's continued performance or -- 9 A. No. 10 Q. -- during the nursing program? 11 A. No. 12 Q. So you couldn't tell us anything about any 13 classes she took or any -- any part of her 14 academic or clinical performance at CVCC 15 after you left; is that correct? 16 A. That's correct. 17 Q. Do you remember a student named Shannah 18 Lowe? 19 A. Yes 20 Q. Can you tell me anything about Shannah 21 Lowe's performance as a student or any of 22 her clinical or academic work after you 23 left CVCC on August 31st, 2005?</p>	<p>1 about? 2 A. About the meeting itself? 3 Q. Yes, ma'am. 4 A. Basically, the faculty -- we all met and 5 discussed issues that different departments 6 were having and -- with administration. At 7 the end, it came to a vote. Basically to 8 sum it up, it just came to a vote. 9 Q. And you were a member of the faculty. Were 10 you a member of the faculty senate at that 11 time? 12 A. No, not of the senate itself, no. 13 Q. I'm going to give you what's been 14 previously marked as Defendant's Exhibit 15 27. In here is the senate survey and then 16 there are some responses that we have been 17 provided. 18 Can you look through these and see if 19 you believe that any of these would be the 20 response, if you gave a response, to the 21 senate survey, if any of these are the 22 response that you gave? 23 A. I could tell you which ones are mine?</p>
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<p>1 A. No. 2 Q. Ms. Bellamy, I promise. I'm going to try 3 to get through this as quick as I can and 4 cover everything I think we need to cover. 5 Do you remember in the summer of 2005 a 6 faculty senate meeting where there was a 7 survey done regarding various issues at the 8 school? 9 A. Yes. 10 Q. It's my understanding and we've been 11 provided with some documents that there was 12 a number of comments turned in to the 13 faculty senate, and ultimately there was a 14 vote of no confidence issued. Do you 15 remember all that? 16 A. Yes. 17 Q. Did you attend any of those senate meetings 18 about that? 19 A. Yes. 20 Q. Can you tell me what you remember about 21 that in particular, just about the senate 22 meeting and kind of what progressed as far 23 as how that occurred and how that came</p>	<p>1 Q. Flipping through that, if you can tell. If 2 you can't tell, that's all right. I'm just 3 curious if any of those responses to the 4 senate survey were yours. I think there 5 are four or five in there total, so ... 6 A. I can't remember which of these comments 7 are mine, if any. 8 Q. Okay. 9 A. Honestly, I just -- gosh, I remember 10 reading them all, though. I just don't 11 remember which ones are mine. 12 Q. You said you remember reading them all. 13 When did you see those before, or did you 14 see anyone else's comments? 15 A. Some of them -- we got -- well, they 16 posted, seems like, a summary. Maybe this 17 was it. There was a summary. 18 Q. I don't want you to guess if one of those 19 are yours. I just wanted to know if you 20 knew definitely if one of those was yours 21 or not. 22 A. Honestly, I don't know. 23 Q. Now, let me ask you this. You mentioned</p>

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<p>1 that there was a summary posted. Who</p> <p>2 posted the summary?</p> <p>3 A. I don't know. There was something posted.</p> <p>4 I think it was just to let us know what the</p> <p>5 final -- what the ultimate decision was</p> <p>6 from the vote, but I don't see it here.</p> <p>7 Q. And when you mentioned -- when you said</p> <p>8 they posted, do you mean the faculty senate</p> <p>9 posted the summary?</p> <p>10 A. I think that's who sent it out, if I'm not</p> <p>11 mistaken, because it was just -- it was a</p> <p>12 summary of what the -- you know, what the</p> <p>13 faculty decision -- what the decision was.</p> <p>14 Q. Okay.</p> <p>15 A. I think it was just to let everyone know</p> <p>16 how the vote went.</p> <p>17 Q. Okay. Well, thank you.</p> <p>18 I know earlier we were talking about</p> <p>19 Dixie Peterson and any comments that she</p> <p>20 had made about a student. Have you ever</p> <p>21 heard her say anything negative regarding</p> <p>22 Lindy Wright?</p> <p>23 A. No.</p>	<p>1 A. No.</p> <p>2 Q. Do you know who Tawyna Cash is?</p> <p>3 A. No.</p> <p>4 Q. Have you ever heard those names before?</p> <p>5 A. The Tawyna name is an odd name. Seems like</p> <p>6 I've heard it somewhere, but I don't</p> <p>7 remember in what capacity.</p> <p>8 Q. You don't know why that name is familiar to</p> <p>9 you?</p> <p>10 A. No.</p> <p>11 Q. Did you know that Lynn Harris taught at</p> <p>12 CVCC and still teaches at CVCC?</p> <p>13 A. Okay.</p> <p>14 Q. Did you know that?</p> <p>15 A. I don't know all of the faculty.</p> <p>16 Q. And you've brought all the information that</p> <p>17 you would have regarding your employment at</p> <p>18 CVCC; is that correct?</p> <p>19 A. Yes, because -- what other information did</p> <p>20 you need?</p> <p>21 Q. Like copies of any application materials or</p> <p>22 any letters that you have to CVCC about</p> <p>23 your employment there, about any salary</p>
Page 78	Page 80
<p>1 Q. Do you remember ever hearing her say</p> <p>2 anything negative or detrimental to any</p> <p>3 nursing student at CVCC?</p> <p>4 A. No.</p> <p>5 Q. I'm going to show you what we've previously</p> <p>6 marked as Exhibit 37.</p> <p>7 (Brief interruption.)</p> <p>8 Q. I just want to go through all these</p> <p>9 documents and make sure that we've gotten</p> <p>10 everything that you may or may not have.</p> <p>11 Okay?</p> <p>12 A. Okay.</p> <p>13 Q. We asked that you bring any and all e-mail,</p> <p>14 correspondence, any notes or memos that you</p> <p>15 had to or from anybody that worked at</p> <p>16 CVCC. Did you have any of that at home?</p> <p>17 A. No.</p> <p>18 Q. That would include -- Did you have any</p> <p>19 notes or anything about anyone at CVCC,</p> <p>20 even if it was not directed to them or if</p> <p>21 it did not come from them?</p> <p>22 A. No.</p> <p>23 Q. Do you know who Lynn Harris is?</p>	<p>1 issues, anything like that, any</p> <p>2 correspondence regarding your employment at</p> <p>3 CVCC or anything that related to your</p> <p>4 employment at CVCC.</p> <p>5 A. Even the application itself? Is that what</p> <p>6 you're asking?</p> <p>7 Q. Yes, ma'am.</p> <p>8 A. I might have a copy of the application.</p> <p>9 Q. All right.</p> <p>10 A. I can go home and look.</p> <p>11 Q. Let me ask you this. I might have a copy</p> <p>12 of that. Let me see.</p> <p>13 Let's go through this. I've got some</p> <p>14 of your application materials. Let me hand</p> <p>15 you this stuff. It looks like a lot of</p> <p>16 this is repeated. Look through that. That</p> <p>17 looks like it was application materials</p> <p>18 from both stints that you had at CVCC.</p> <p>19 A. Okay.</p> <p>20 Q. If you'll just look through that and</p> <p>21 confirm it.</p> <p>22 A. This is definitely my writing. Yeah, these</p> <p>23 are all in my handwriting.</p>



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<p>1 Q. Okay. And the rest of these documents are 2 just documents about your employment there 3 as far as contracts and verification of 4 employment. If you'll flip through that 5 and just make sure all that -- just look at 6 those very quickly as well. 7 A. Okay. 8 Q. Let's put all our application materials in 9 as our next exhibit, which is 43. 10 (Defendant's Exhibit 43 was marked 11 for identification.) 12 Q. I'm going back through the document request 13 that we sent you. Do you have any copies 14 of any course or clinical work or anything 15 that Lindy Wright did as part of any of 16 your classes while you were teaching her at 17 CVCC? 18 A. No. All of that is school property. 19 Q. Okay. And you haven't received any 20 correspondence -- we talked about this 21 earlier. You haven't communicated or 22 received any correspondence from any 23 attorney or anyone in any capacity</p>	<p>1 A. No. 2 Q. Do you have any correspondence to or from 3 anyone at the Alabama Department of 4 Postsecondary Education regarding your 5 employment at CVCC or while -- that was 6 written to you or that you wrote to the 7 Alabama Department of Postsecondary 8 Education while you were employed at CVCC? 9 A. I don't have it, but I saw a letter in that 10 packet. 11 Q. In what you just reviewed? 12 A. Yes. 13 Q. Regarding your employment as far as salary 14 and being hired at CVCC? 15 A. I don't have a copy, but I saw one in 16 there. 17 Q. Okay. Do you have any correspondence from 18 you or to you -- from you or to you 19 regarding the National League for Nursing 20 Accreditation, the NLNAC, regarding any 21 faculty member at CVCC, any policies at 22 CVCC? 23 A. No.</p>
Page 82	Page 84
<p>1 representing Ms. Wright; is that correct? 2 A. That's correct. 3 Q. Request number 13 was asking for any 4 documents, memos, recording or anything 5 that might relate to any student at CVCC 6 receiving special consideration or 7 treatment while they were a student at 8 CVCC. Do you have any documents that would 9 reflect that? 10 A. No. 11 Q. Do you have any knowledge of any student 12 ever receiving special treatment while at 13 CVCC? 14 A. No. 15 Q. The request for number 14 was any documents 16 that contain or have information in them 17 regarding any nursing student's grade or 18 grades being changed when they complained 19 about their grades at CVCC. Do you have 20 any documents that would reflect anything 21 like that? 22 A. No. 23 Q. Do you know of that ever happening?</p>	<p>1 Q. Do you have any documents regarding any 2 course or clinical work of Ms. Wright for 3 Nursing 252, 271, 272 or Nursing 200? 4 A. No. 5 Q. And you've never reviewed any materials 6 like that for Ms. Wright; is that correct? 7 A. What do you mean by reviewed? 8 Q. You've never -- Ms. Wright has never given 9 you any materials from any of her courses 10 to review; is that correct? 11 A. Correct. 12 Q. In Ms. Gumels' deposition, she mentioned 13 visiting the chancellor, Mr. Johnson. 14 A. Yes. 15 Q. Did you attend that meeting with her? 16 A. Yes. 17 Q. What was the purpose of that meeting? 18 A. Some of the -- in the previous letter, some 19 of the unresolved issues in my letter of 20 resignation, we decided -- Ms. Gunnels and 21 I decided to go up there and see 22 Mr. Johnson about that. 23 Q. Who had the idea initially to go see</p>

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1 Mr. Johnson? Was that you or Ms. Gurnels?  
 2 A. I don't remember which one of us did.  
 3 Q. Did you actually get to see Mr. Johnson?  
 4 A. Yes.  
 5 Q. You got to discuss your concerns with him?  
 6 A. Yes. It was Ms. Gurnels, myself, and my  
 7 husband went as an uninterested party and  
 8 the driver.  
 9 Q. Did he sit in the meeting with y'all?  
 10 A. Yes, he did.  
 11 Q. Was there any resolution at that meeting?  
 12 A. No.  
 13 Q. Did you ever hear back from the chancellor  
 14 regarding that meeting or regarding your  
 15 concerns?  
 16 A. We didn't hear back from him directly. We  
 17 heard through the faculty counsel, who also  
 18 I believe made a visit up there, that  
 19 nothing was going to be resolved.  
 20 Q. Did you mention to anyone -- Strike that.  
 21 Other than Ms. Gurnels and your  
 22 husband, did anyone else know that you were  
 23 taking that trip to see Mr. Johnson?

1 Can you state your current address  
 2 right now.  
 3 A. 2700 Double Churches Road, Apartment 338.  
 4 Q. In what city is that?  
 5 A. Columbus, Georgia 31909.  
 6 Q. And what's your phone number there?  
 7 A. 706-317-2391.  
 8 Q. Just to be clear on the record, where are  
 9 you currently employed?  
 10 A. Doctors Hospital, emergency room.  
 11 Q. It's my understanding you work seven on,  
 12 seven off.  
 13 A. Yes, basically, it's ...  
 14 Q. And you're in the emergency room?  
 15 A. Yes.  
 16 Q. Your husband's name, what is that?  
 17 A. David. His whole name?  
 18 Q. David Bellamy?  
 19 A. His middle name, too?  
 20 Q. Yes, ma'am.  
 21 A. David Douglas Bellamy, Jr.  
 22 Q. Are you from this area?  
 23 A. No.

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1 A. Yes.  
 2 Q. Who was that?  
 3 A. I think Ms. Gruber knew.  
 4 Q. Do you remember anyone else?  
 5 A. But she was -- I think she was sick or  
 6 something and couldn't go. Something  
 7 personal and she couldn't go.  
 8 Q. Do you believe she had contemplated going  
 9 with y'all up there?  
 10 A. Yes.  
 11 Q. Had she expressed interest in wanting to go  
 12 with y'all up there?  
 13 A. Yes, I think -- yes.  
 14 Q. Did you ever receive any correspondence  
 15 personally from the chancellor regarding  
 16 any of the issues that were expressed in  
 17 your resignation letter or through the  
 18 faculty senate?  
 19 A. No.  
 20 Q. Just for the record, I wanted to get a  
 21 little bit of brief background information  
 22 from you, just for our benefit and  
 23 information.

1 Q. Where did you grow up?  
 2 A. I actually grew up in St. Louis mostly, but  
 3 I'm from Indianapolis, Indiana.  
 4 Q. When did you first move to this area? By  
 5 this, I mean the Phenix City, Columbus,  
 6 Georgia area.  
 7 A. I came to Fort Benning in September 1990.  
 8 Q. Were you in the military?  
 9 A. Yes, I was.  
 10 Q. How long were you in the military?  
 11 A. A total of 11 and a half years.  
 12 Q. So you've been in this area for quite some  
 13 time?  
 14 A. Yes.  
 15 Q. Do you have any relatives in this area?  
 16 A. Yes.  
 17 Q. Who are your relatives in this area?  
 18 A. My daughters. They came here with me.  
 19 They were young then, younger.  
 20 Q. Are any of them married?  
 21 A. Yes.  
 22 Q. Can you give me your daughters' names?  
 23 A. The whole name or just the first and last?

<p style="text-align: right;">Page 89</p> <p>1 Q. Let me ask you this. Do your daughters 2 live in Alabama or Georgia? 3 A. Georgia. 4 Q. None of them live in Alabama? 5 A. No. 6 Q. Do you have any relatives that live in 7 Alabama? 8 A. No. 9 Q. Does your husband have any relatives that 10 live in Alabama? 11 A. That's a difficult question. 12 Q. Is it difficult because there are a lot of 13 relatives that he has that live here or -- 14 A. No, it's difficult because he knows that he 15 does, but he doesn't know who they are on 16 his dad's side of the family. 17 Q. So he would have some relatives with the 18 last name Bellamy in Alabama; is that 19 correct? 20 A. Yes, but he doesn't know who they are. 21 Q. Do you know as far as last names of any 22 other relatives that he -- any relatives at 23 all that he might have that live in</p>	<p style="text-align: right;">Page 91</p> <p>1 once Ms. Nix gets the deposition printed up 2 for you to read over the deposition and 3 sign off that you've read the deposition 4 and that nothing has been misstated or 5 spelled incorrectly, you know. 6 Would you like the opportunity to do 7 that or would you want to waive that 8 opportunity? And you'll have 30 days to do 9 it if you want to. 10 A. I'd rather have that opportunity to go over 11 it. 12 (Deposition concluded at 5:40 p.m. 13 EDT.) 14 15 16 17 18 19 * * * * * 20 FURTHER DEPONENT SAITH NOT 21 * * * * * 22 23</p>
<p style="text-align: right;">Page 90</p> <p>1 Alabama? 2 A. No. 3 Q. Other than Bellamy, that's it? 4 A. Yes. 5 Q. There was one other student I wanted to 6 mention and ask you. Do you have any 7 knowledge of a student named Corolla Rambo? 8 A. Yes. 9 Q. Would you be able to tell me anything or 10 tell anyone anything about her performance 11 or her class work as a student after you 12 left CVCC on August 31st, 2005? 13 A. No. 14 Q. Ms. Bellamy, I think right now I don't have 15 any more questions. I don't know if 16 Mr. Dumbuya does, but I'll reserve to ask 17 additional questions if necessary after he 18 asks questions if he's planning on it. 19 MR. DUMBUYA: I don't have any 20 questions. I think she's 21 already answered them. 22 Q. Because this is in federal court and you've 23 given a deposition, there is an opportunity</p>	<p style="text-align: right;">Page 92</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF ALABAMA: 3 MONTGOMERY COUNTY: 4 I, Lisa J. Nix, Registered Professional 5 Reporter and Commissioner for the State of Alabama 6 at Large, do hereby certify that I reported the 7 deposition of: 8 BRENDA BELLAMY 9 who was first duly sworn by me to speak the truth, 10 the whole truth and nothing but the truth, in the 11 matter of: 12 LINDY G. WRIGHT, 13 Plaintiff, 14 Vs. 15 CHATTAHOOCHEE VALLEY COMMUNITY 16 COLLEGE (CVCC), 17 Et al., 18 Defendants. 19 In The U.S. District Court 20 For the Middle District of Alabama 21 Eastern Division 22 Case Number 3:06-CV-1087-WKW 23 on Tuesday, July 24, 2007.</p>

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1 The foregoing 92 computer printed pages  
 2 contain a true and correct transcript of the  
 3 examination of said witness by counsel for the  
 4 parties set out herein. The reading and signing of  
 5 same is hereby not waived.

6 I further certify that I am neither of kin  
 7 nor of counsel to the parties to said cause nor in  
 8 any manner interested in the results thereof.

9 This 30th day of July 2007.

10  
 11  
 12 Lisa J. Nix, Registered  
 13 Professional Reporter and  
 14 Commissioner for the State  
 15 of Alabama at Large  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

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1  
 2  
 3 I, Brenda Bellamy, hereby certify that  
 4 I have read the foregoing transcript of my  
 5 deposition given on Tuesday, July 24, 2007, and it  
 6 is a true and correct transcript of the testimony  
 7 given by me at the time and place stated with the  
 8 corrections, if any, and the reasons therefor noted  
 9 on a separate sheet of paper and attached hereto.

10  
 11  
 12  
 13  
 14 Brenda Bellamy  
 15  
 16

17 SWORN TO AND SUBSCRIBED before me this  
 18 \_\_\_\_ day of \_\_\_\_, 20\_\_.

19  
 20  
 21  
 22 NOTARY PUBLIC  
 23





12-20-05  
5:15p

## GRADE APPEAL FORM

Name of Student Lindy Wright(Signature) Lindy WrightSocial Security Number 254497629Submitted to (Division Chairperson) Dixie PetersonDate 12-20-05

## Section A: (To be completed by the student)

## I. Course information:

- a. Name of course Adult Nursing II
- b. Course number NR252
- c. Course section number \_\_\_\_\_
- d. Semester course was taken Fall 05
- e. Days of week course met Wednesday
- f. Time of day course met 12-3pm

II. Name of Instructor Lynn Harris RN, MSNIII. Date on which the specific item in question was received by the student 12-20-05IV. Date on which the student presented his/her appeal to the instructor for the respective course 12-20-05

V. Concise, clear description of the specific nature of the complaint with particular regard to a description of how the grade at issue was either unfair, inaccurate, or both:

please see attached

VI. Description of the results of the student's discussion with his/her instructor.

please see attached

VII. Date on which the results of student/instructor discussion were finalized please seeVIII. Attachments (from the student) attached

(Section A must be presented to the appropriate Division Chairperson for appeal)

V. Concise, clear description of specific nature of the complaint with particular regard to a description of how the grade at issue was either unfair, inaccurate, or both.

Test Grades: I have been told by Ms. Harris that I have earned at least 745 points out of the available 1,000 points for a letter grade of "D". I have several concerns regarding how the points were allocated, how exams were given, how information not covered during lecture was tested on exams, and how grades and points were communicated with students.

Some of the specific complaints regarding my grade are as follows:

Instructor was unavailable to discuss concerns at time of individual exams. Instructor did not formally review any exams until December 13<sup>th</sup>. Upon review and research of multiple exam questions, objective documentation was found in nursing textbooks to support the answers I chose and to refute the answers listed on the answer key. When questioned, the instructor refused to provide the rationale for answers indicated on the key. The instructor has been provided with this documentation.

The instructor did not post nor make available exam grades in a timely manner. Due to lack of communication by instructor, I was unaware that I was in jeopardy of failing this class until one to two week before the final exam. When questioned, the instructor stated "All you have to make is another 180 points" & you will pass. No tutoring or remediation was offered at that point.

Clinical Instructors did not "show up" for two (2) clinicals, negatively impacting my ability to synthesize and practice the knowledge given in lecture or to receive instructor feedback on my knowledge.

Instructor was not assigned until week 5 of the semester. A guest speaker (ADN prepared & no teaching experience) was utilized until that time. "Guest Speaker" on Respiratory System specifically instructed the class that compensatory mechanisms of ABG's would NOT be included on the exam. Two questions directly related to compensation were on the exam. Other exams were not given on the dates scheduled and for which students prepared.

Nursing Care Plans were "unavailable" and arbitrary grades (23 of 25 points) were assigned. If these grades were arbitrary, then I am requesting the full 25 points.

There were approximately 10 drug and solution calculation questions included on the four exams during the semester. No where in the syllabus or objectives was it indicated that drug dosage and calculation knowledge would be tested on the unit exams. No review of drug calculations were given in class prior to the exams.

Description of the results of the student's discussion with his/her instructor.

Ms. Harris refused to discuss my grade or the documentation addressed in Section V. with me. However, I was advised to continue with the appeal process (CVCC Policy 6.7.2) and therefore, am doing so.

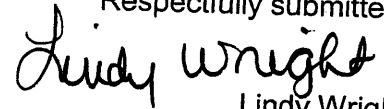
Date on which the results of the student/instructor discussion were finalized.

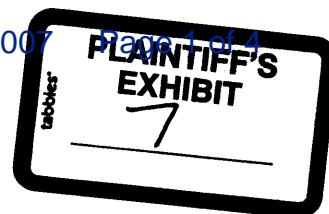
I am unsure whether the discussions are finalized or not. Ms. Harris has refused to allow me to review any more of my test papers and has refused to discuss the six (6) questions for which objective documentation was provided and are in dispute at this time. Each question was valued at at least 2.5 points.

VIII. Attachments

I am hereby requesting that until the results of the appeal process, grievance process, and any litigation resulting from this matter be resolved and finalized, that I be allowed to continue participating in all aspects of the nursing program to include, but not be limited to: attending of classes and clinicals, timely assignment of preceptor, and participation in any NCLEX reviews or classes.

Respectfully submitted,

  
Lindy Wright



Via e-mail and hand delivery

David N. Hodge

Dean of Student & Administrative Services  
Chattahoochee Valley Community

david.hodge@cv.edu

(334) 291-4996

Reference: Elise Sizemore letter dated January 25, 2006

Dear Mr. Hodge:

I received your letter dated January 25, 2006 stating that I have too many classes to complete my requirements to graduate during Spring 2006. The following letter is to resolve the issue in question regarding my satisfactory completion of Nursing 252 (NUR 252). I do feel that this is a mistake or misunderstanding and this issue can be resolved. I have been working diligently to resolve this issue since I was first made aware of this by telephone on 12-20-05. The misunderstanding centers on the required medication math test<sup>1</sup> and the clinical requirement to pass medications<sup>2</sup>. I fully understand these requirements and believed that I had fulfilled these requirements during the Fall 2005 semester. Below is an overview of the events concerning this situation. I will be glad to meet with you and anyone else to discuss this issue further.

8-24-05-Mrs. Bellamy (assigned Instructor NUR 252) either resigned or was dismissed on the first day of class. Dean Lowe and others staff members addressed the class in an attempt to explain the situation. The next couple of weeks the class did not have an assigned instructor, but was instead taught by guest speakers, one of which was (John Christopher). During this time the 1<sup>st</sup> medical math test<sup>1</sup> was given with little notice or preparation. I failed to achieve 100% accuracy on the first medical math test<sup>1</sup>. The class was informed that (approximately 75%) of the 36 students failed the test, but a second test was not yet scheduled.

Between the 1<sup>st</sup> and second test<sup>1</sup> my clinical group continued to go to clinical and were all allowed to pass medications by our clinical instructor, Mrs. Braden. Others in the clinical group were also allowed to give medication before passing the medical math test<sup>1</sup>. The six others in my clinical group are listed in footnote<sup>3</sup> below. CVCC records should confirm the pass-fail rate of this group. I did successfully pass medicines during my clinical and this can be confirmed through hospital records. I assumed this requirement would be considered fulfilled after I passed the medical math test<sup>1</sup>, which I did on my 3<sup>rd</sup> attempt on 12-14-05 fulfilling all my requirements. Note: There is not a minimum requirement for how many medications are to be given giving in either the class or clinical syllabus. The only written requirement is to "Perform medication administration with 100% accuracy."



1-29-06

Mrs. Lynn Harris was assigned as the permanent instructor of (NUR 252) in September 2005. The 2<sup>nd</sup> medical math test<sup>1</sup> was overdue when Mrs. Harris joined the class, so she administered the test on her first day without any notice for review or preparation. I failed to achieve 100% on the second test. At this point I personally ask Mrs. Harris to review the math calculations with me. We started meeting to review the math calculations. The 3<sup>rd</sup> test was not yet scheduled. I brought it to Mrs. Harris attention that I still needed to take the 3<sup>rd</sup> math test<sup>1</sup>. This was on the same day that I had been allowed to take (and pass) the final exam for NUR 252 on 12-14-05. Mrs. Harris agreed to administer the 3<sup>rd</sup> math test<sup>1</sup>, which I achieved 100% accuracy.

After the final exam and 3<sup>rd</sup> math test on 12-14-05 I left for the holiday break with no idea that there would be an issue with my NUR 252 final grade. The first notice I had that there was an issue was on 12-20-05 when I received a message to call Mrs. Harris. Mrs. Harris informed me of the issue with my NUR 252 requirements (that I had not passed enough medications during clinical) and I needed to contact Mrs. Peterson. I left messages with a secretary for Mrs. Peterson to please call me back. When my calls were not returned, I again called the office that same afternoon and spoke to a secretary that told me that Mrs. Peterson said not to worry that they would work with me to resolve this issue after the holidays. I few days later I received a status letter dated 12-20-05, the same day that I called, signed by Mrs. Peterson stating that I failed NUR 252. I had to wait until after the holidays to again make contact with Mrs. Peterson.

On 1-11-06, I again called Mrs. Peterson's office and spoke to Bridget Jackson and left a message for Mrs. Peterson to please call me before 12 pm. After I received no return call by 12pm, I went in person to Mrs. Peterson's office. Mrs. Peterson did see me, but we failed to resolve this issue because she needed more information from Mrs. Harris. Mrs. Harris was unavailable until 1-18-06 for a face-to-face meeting. Note: This was now the second week of Spring 2006 semester for which I was allowed to register and begin Spring 2006 classes. Mrs. Peterson instructed me to go ahead and attend the classes that I had registered for even though a requirement for NUR 272 is the completion of NUR 252 per the Spring 2006 syllabus.

On 1-18-06, Mrs. Harris informed me that my only options were to either take NUR 200 or wait until Fall 2006 and retake NUR 252. Retaking NUR 252 was not a viable option for me, so on 1-20-06 I contacted admissions (Ramona Gray) and she inform me that registration for NUR 200 had closed on 1-19-06, less than 24 hours after I was first told I should take this extra class in order to graduate in May.

I was and still am willing to do what ever is needed to resolve this misunderstanding. One way to rectify this issue would be for a clinical instructor to again witness me passing more medications or allow my registration into NUR 200.

1-29-06

As the facts above explain, I am only partially responsible for this situation. CVCC and staff should take some responsibility for this issue. To date, I have completed all of my previous requirements, paid all my tuitions in full (with no grants) and advanced to the final semester before graduation. I will not stand idly by and be failed by the apparent technicality of my record of not passing a few medications, when so many other exceptions were made during this semester that started out behind and never really caught up. I have worked very hard the last few years taking prerequisites, and working toward my goal of RN. I would like to finish the Nursing program and graduate with my class as I feel I have earned it. Please respond to this inquiry by the close of business Friday, 2-3-06.

Elise Sizemore, LPN

*Elise Sizemore, LPN*

SSN 225-82-2345  
35 Foliage Ct  
Cataula, GA 31804  
H-706-327-2024  
C-706-593-8402

cc:

Dixie Peterson [dixie.peterson@cv.edu](mailto:dixie.peterson@cv.edu)  
Lynn Harris (Via hand delivery Nursing office)  
L-File

Notes:

1-Nursing 252 Adult Heath Nursing II, Fall Semester 2005, revised August 2005 page-5, VII-Course requirements, #2-"Satsifactory completion of medication dosage exam. (Student will be given up to 3 chances to achieve 100%)

2- Chattahoochee Valley Community Collage Nursing 252 Adult Heath Nursing II, Clinical Syllabus, Fall Semester 2005, revised August 2005 page-4, III-Clinical Math Proficiency Quiz "The student must pass the math computational quiz with 100% accuracy in order to give medications. If the student does not pass the quiz in (3) attempts, subsequent course failure will result."

3-Clinical group: Kimberly Washington, Nicole Williams Smith, Rosemary Maina, Kezia Huling, Patricia Hooey, Sherry Padgett, (Elise Sizemore).

**Sizemore, Dale**

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**From:** Dixie Peterson [dixie.peterson@cv.edu]  
**To:** Sizemore, Dale  
**Sent:** Tuesday, January 31, 2006 11:09 AM  
**Subject:** Read: Elise Sizemore letter dated January 25, 2006

Your message

**To:** dixie.peterson@cv.edu  
**Subject:**

was read on 1/31/2006 11:09 AM.

---

Cloney Recv. 1/4/06  
3:53pm

## GRADE APPEAL FORM

Name of Student Lindy Wright(Signature) Lindy WrightSocial Security Number 254 49 7629Submitted to (Division Chairperson) Dixie PetersonDate 12-20-05

## Section A: (To be completed by the student)

## I. Course information:

- a. Name of course Maternal -
- b. Course number Mir 271
- c. Course section number \_\_\_\_\_
- d. Semester course was taken Fall 05
- e. Days of week course met Wednesday
- f. Time of day course met 9 AM - 11 AM

II. Name of Instructor T. CashIII. Date on which the specific item in question was received by the student 12-20-05IV. Date on which the student presented his/her appeal to the instructor for the respective course 12-21-05

V. Concise, clear description of the specific nature of the complaint with particular regard to a description of how the grade at issue was either unfair, inaccurate, or both:

please see attached

VI. Description of the results of the student's discussion with his/her instructor.

please see attached

VII. Date on which the results of student/instructor discussion were finalized please see attached

VIII. Attachments (from the student)

(Section A must be presented to the appropriate Division Chairperson for appeal)



V. Concise, clear description of the specific nature of the complaint with particular regard to a description of how the grade at issue was either unfair, inaccurate, or both.

Test Grades: I have been told by Ms. T. Cash that I have earned at least 739.24 points out of instructor reported 975 points for the letter grade of "D". I have several concerns regarding how the points were allocated, how exams were given, how information not covered during lecture was tested on exams, and how grades and points were communicated with students.

Some of the specific complaints regarding my grade are as follows:

Instructor was unavailable to discuss concerns at time of individual exams. Instructor did not formally review any exams. Whereas I have not at this time been allowed to review my scantrons and exams, I have found objective documentation in nursing textbooks to support the answers I chose and to refute the answers stated by the instructor to multiple exam questions.

The instructor did not post nor make available exam grades in a timely manner. Due to lack of communication by the instructor, I was unaware that I was in jeopardy of failing this class. No tutoring was offered. The instructor was consistently late to the 9 am Wednesday class and had to leave immediately after most class sessions.

Instructor was not assigned until week 5 of the semester. A guest speaker (ADN prepared & no teaching experience) was utilized for one class period. Another guest speaker from Doctors Hospital provided blatantly incorrect information about Obstetrical patient care that differed from our textbook. On the 4<sup>th</sup> week, no lecture was provided due to a televised communication system being set up with Wallace and no make-up lecture time was provided.

There were approximately 7-10 drug and solution calculation questions included on the four exams during the semester. No where in the class course syllabus or objectives was it indicated that drug dosage and calculation knowledge would be tested on the unit exams. No review of drug calculations was given in class prior to the exams. Ms. Cash was asked to instruct the class on how to perform a drug dosage and calculation from one of the exams given and she said she could not perform the problem herself.

VI. Description of the results of the student's discussion with his/her instructor.

I informed Ms. Cash on 12/20/05 that I would be appealing my grade. Therefore, I am doing so.

VII. Date on which the results of the student/instructor discussion were finalized.

Discussions have not been finalized. When I returned to the school on 12/20/05 the instructor had her children with her and was not intending to stay at the school. The instructor was not prepared at that time to discuss my grades at length nor allow me to review my scantrons.

VIII. Attachments

I am hereby requesting that until the results of the appeal process, grievance process, and any litigation resulting from this matter be resolved and finalized, that I be allowed to continue participating in all aspects of the nursing program to include, but not be limited to: attending of classes and clinicals, timely assignment of preceptor, and participation in any NCLEX reviews or classes.

Respectfully submitted,

*Lindy Wright*  
Lindy Wright

# Chattahoochee Valley Community College

CLOSE TO YOU. CLOSE TO PERFECT.



## GRADE CHANGE FORM

NAME OF STUDENT <i>Lindy Wright</i>	SOCIAL SECURITY NO. <i>254-49-7629</i>	DATE <i>1/18/2006</i>
COURSE NAME AND NUMBER <i>NUR 271 Maternal Newborn</i>	SECTION NUMBER <i>1</i>	SEMESTER <i>Fall 2005</i>

To change a grade erroneously reported and to clear an "I", simply fill in the information below.

GRADE CHANGE FROM D TO C

REASON: *Student submitted a grade appeal request. Since the procedures for the grade appeal were not completed in the time allotted, the grade needs to be changed from a D to a C.*

NOTES: **\*\*INCOMPLETE:** A Grade of "I" (Incomplete) must be cleared by the end of the following regular semester or a final grade of "F" will automatically be recorded. This grade will be reported to the student at the end of the semester in which the grade is changed.

*James Lowe*  
\_\_\_\_\_  
Signature of Instructor

*11/9/06*  
\_\_\_\_\_  
Date

APPROVED BY

*R. L. Person*  
\_\_\_\_\_  
Signature of Department Chairperson

\_\_\_\_\_  
Date

*1-19-06*  
\_\_\_\_\_  
Date

APPROVED BY

*[Signature]*  
\_\_\_\_\_  
ADMISSIONS OFFICE



COMPLETED JAN 30 2006

\_\_\_\_\_  
Date

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**WRIGHT LINDY G**

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Academic Term FALL 2006

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Unofficial Transcript from: CHATTAHOOCHEE VALLEY  
 COMMUNITY COLLEGE  
 2602 COLLEGE DRIVE  
 PHENIX CITY AL 36869  
 WRIGHT LINDY G

For Student:

Academic Course Detail by Term

Current: ADN AAS

First: SU1999

Last: SP2006

 Class: Sophomore  
 Status: Clear

As of: 01/21/2005 DEGREE SEEKING

Term	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
SU1999	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
CIS146 01	B	3.000	3.000	9.000	MICROCOMPUTE	3.000
Term		3.000	3.000	9.000 QPA: 3.000	LIB AA	
Cum		3.000	3.000	9.000 QPA: 3.000		
FA1999	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
ENG093 01	S	.000	.000	.000 DH DEV HRS	BASIC ENGLIS	3.000
MTH090 02	S	.000	.000	.000 DH DEV HRS	BASIC MATHEM	3.000
Term		.000	.000	.000 QPA: .000	LIB AA	
(DEV)		6.000	6.000	(DEV)		
Cum		3.000	3.000	9.000 QPA: 3.000		
SP2000	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
ENG101 011	A	3.000	3.000	12.000	ENGLISH COMP	3.000
ENG102 012	B	3.000	3.000	9.000	ENGLISH COMP	3.000
MTH098	S	.000	.000	.000 DH DEV HRS	ELEMENTARY A	3.000
PSY100 011	B	1.000	1.000	3.000	ORIENTATION	1.000
Term		7.000	7.000	24.000 QPA: 3.429	LIB AA	
(DEV)		3.000	3.000	(DEV)		
Cum		10.000	10.000	33.000 QPA: 3.300		
FA2000	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
BIO103 02	C	4.000	4.000	8.000	PRINCIPLES O	4.000
PSY200 01	B	3.000	3.000	9.000	GENERAL PSYC	3.000
Term		7.000	7.000	17.000 QPA: 2.429	LIB AA	
Cum		17.000	17.000	50.000 QPA: 2.941		
SU2001	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
LPN113 02	B	4.000	4.000	12.000	BODY STRUCTU	4.000
Term		4.000	4.000	12.000 QPA: 3.000	LIB AA	
Cum		21.000	21.000	62.000 QPA: 2.952		
FA2001	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
LPN104A	B	2.000	2.000	6.000	PHARMACOLOGY	2.000
LPN105A	B	6.000	6.000	18.000	FUNDAMENTALS	6.000
Term		8.000	8.000	24.000 QPA: 3.000	LPN CER	
Cum		29.000	29.000	86.000 QPA: 2.966		
SP2002	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
LPN124A01	C	6.000	6.000	12.000	FAMILY CENTE	6.000
LPN152 01	C	8.000	8.000	16.000	ADULT NURSIN	8.000
Term		14.000	14.000	28.000 QPA: 2.000	LPN CER	
Cum		43.000	43.000	114.000 QPA: 2.651		
SU2002	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
LPN101	B	2.000	2.000	6.000	EMERGENCY FI	2.000
LPN118	C	2.000	2.000	4.000	MENTAL HEALT	2.000
LPN140	A	2.000	2.000	8.000	NCLEX PN EXA	2.000
PN142	C	7.000	7.000	14.000	ADULT NURSIN	7.000



LPN145A C 2.000 2.000 4.000  
 Term 15.000 15.000 36.000 QPA: 2.400 LPN CER  
 Cum 58.000 58.000 150.000 QPA: 2.586

SU2004 Gr Attm Ernd QP Crs Status Title Sch Hr  
 ART100 05 W .000 .000 .000 DR 07/09/2004 ART APPRECIA 3.000  
 BIO201 01 W .000 .000 .000 DR 07/09/2004 HUMAN ANATOM 4.000  
 MTH100 01 W .000 .000 .000 DR 07/09/2004 INTERMEDIATE 3.000  
 Term .000 .000 .000 QPA: .000 LIB AA  
 Cum 58.000 58.000 150.000 QPA: 2.586  
 WITHDRAWN 07/09/2004

SP2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 BIO201 011 C 4.000 4.000 8.000 HUMAN ANATOM 4.000  
 BIO202 012 B 4.000 4.000 12.000 HUMAN ANATOM 4.000  
 Term 8.000 8.000 20.000 QPA: 2.500 LIB AA  
 Cum 66.000 66.000 170.000 QPA: 2.576

SU2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 MTH100 01 C 3.000 3.000 6.000 INTERMEDIATE 3.000  
 NUR131 01 B 1.000 1.000 3.000 HEALTH ASSES 1.000  
 NUR242 C 2.000 2.000 4.000 ADVANCED PHA 2.000  
 NUR251 C 5.000 5.000 10.000 ADULT NURSIN 5.000  
 Term 11.000 11.000 23.000 QPA: 2.091 ADN AAS  
 Cum 77.000 77.000 193.000 QPA: 2.506

FA2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 BIO220 01 B 4.000 4.000 12.000 GENERAL MICR 4.000  
 NUR252 D 5.000 5.000 8.000 ADULT NURSIN 5.000  
 NUR271 C 4.000 4.000 8.000 MATERNAL-NEW 4.000  
 Term 13.000 13.000 25.000 QPA: 1.923 ADN AAS  
 Cum 90.000 90.000 218.000 QPA: 2.422

NUR PROG EXCLUSION 12/20/2005

SP2006 Gr Attm Ernd QP Crs Status Title Sch Hr  
 ART100 05 A 3.000 3.000 12.000 ART APPRECIA 3.000  
 NUR200 01 A 6.000 6.000 24.000 NURSING CARE 6.000  
 NUR272 D 4.000 4.000 4.000 PEDIATRIC NU 4.000  
 NUR279 B 2.000 2.000 6.000 CONCEPTS OF 2.000  
 NUR291 A 3.000 3.000 12.000 TRANSITION/N 3.000  
 NUR292 B 2.000 2.000 6.000 NURSING LICE 2.000  
 WK0101 02 S .000 .000 .000 DH DEV HRS  
 Term 20.000 20.000 64.000 QPA: 3.200 ADN AAS  
 (DEV) 1.000 1.000 (DEV)  
 Cum 110.000 110.000 282.000 QPA: 2.564

NUR PROG EXCLUSION 05/12/2006

Degree: LPN PRACTICAL NURSING  
 CER CERTIFICATE  
 CERTIFICATE

Grad Date: 08/09/2002 Grad Term: SU2002  
 Req.Met Date: 08/09/2002 Term Req.Met: SU2002

Transfer Course Detail by College  
 CVCC

From: 2005 To: 2005

Recv'd: 06/29/2005 Eval: Y Accepted: 11.000

Course	Equivalent	Gr	Attm	Ernd	Qpts	Title
NUR111 2	NUR111 2	A	4.000	4.000	16.000	FUNDAMENTALS OF NU
NUR121	NUR121	A	2.000	2.000	8.000	CLINICAL NURSING S
NUR201 2	NUR201 2	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR202 3	NUR202 3	A	2.000	2.000	8.000	SPECIALIZED AREA O
NUR203 4	NUR203 4	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR241	NUR241	A	1.000	1.000	4.000	BASIC PHARMACOLOGY



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COMMUNITY COLLEGE  
2602 COLLEGE DRIVE  
PHENIX CITY AL 36869  
WRIGHT LINDY G

For Student:

Academic Course Detail by Term

Current: ADN AAS

First: SU1999

Last: SP2006

Class: Sophomore  
Status: Clear

As of: 01/21/2005 DEGREE SEEKING

Term	Gr	Attm	Ernd	QP Crs Status	Title	Sch Hr
SU1999						
CIS146 01	B	3.000	3.000	9.000	MICROCOMPUTE	3.000
	Term	3.000	3.000	9.000 QPA: 3.000	LIB AA	
	Cum	3.000	3.000	9.000 QPA: 3.000		
FA1999						
ENG093 01	S	.000	.000	.000 DH DEV HRS	BASIC ENGLIS	3.000
MTH090 02	S	.000	.000	.000 DH DEV HRS	BASIC MATHEM	3.000
	Term	.000	.000	.000 QPA: .000	LIB AA	
	(DEV)	6.000	6.000	(DEV)		
	Cum	3.000	3.000	9.000 QPA: 3.000		
SP2000						
ENG101 011 A		3.000	3.000	12.000	ENGLISH COMP	3.000
ENG102 012 B		3.000	3.000	9.000	ENGLISH COMP	3.000
MTH098	S	.000	.000	.000 DH DEV HRS	ELEMENTARY A	3.000
PSY100 011 B		1.000	1.000	3.000	ORIENTATION	1.000
	Term	7.000	7.000	24.000 QPA: 3.429	LIB AA	
	(DEV)	3.000	3.000	(DEV)		
	Cum	10.000	10.000	33.000 QPA: 3.300		
FA2000						
BIO103 02	C	4.000	4.000	8.000	PRINCIPLES O	4.000
PSY200 01	B	3.000	3.000	9.000	GENERAL PSYC	3.000
	Term	7.000	7.000	17.000 QPA: 2.429	LIB AA	
	Cum	17.000	17.000	50.000 QPA: 2.941		
SU2001						
LPN113 02	B	4.000	4.000	12.000	BODY STRUCTU	4.000
	Term	4.000	4.000	12.000 QPA: 3.000	LIB AA	
	Cum	21.000	21.000	62.000 QPA: 2.952		
FA2001						
LPN104A	B	2.000	2.000	6.000	PHARMACOLOGY	2.000
LPN105A	B	6.000	6.000	18.000	FUNDAMENTALS	6.000
	Term	8.000	8.000	24.000 QPA: 3.000	LPN CER	
	Cum	29.000	29.000	86.000 QPA: 2.966		
SP2002						
LPN124A01	C	6.000	6.000	12.000	FAMILY CENTE	6.000
LPN152 01	C	8.000	8.000	16.000	ADULT NURSIN	8.000
	Term	14.000	14.000	28.000 QPA: 2.000	LPN CER	
	Cum	43.000	43.000	114.000 QPA: 2.651		
SU2002						
LPN101	B	2.000	2.000	6.000	EMERGENCY FI	2.000
LPN118	C	2.000	2.000	4.000	MENTAL HEALT	2.000
LPN140	A	2.000	2.000	8.000	NCLEX PN EXA	2.000
LPN142	C	7.000	7.000	14.000	ADULT NURSIN	7.000

<https://services.cv.edu/cgi-bin/B9436340/UTRANS.MBR/PROCESS?13:26:46.093>

7/28/2006

PL 00126

LPN145A C 2.000 2.000 4.000 CURRENT ISSU 2.000  
 Term 15.000 15.000 36.000 QPA: 2.400 LPN CER  
 Cum 58.000 58.000 150.000 QPA: 2.586

SU2004 Gr Attm Ernd QP Crs Status Title Sch Hr  
 ART100 05 W .000 .000 .000 DR 07/09/2004 ART APPRECI 3.000  
 BIO201 01 W .000 .000 .000 DR 07/09/2004 HUMAN ANATOM 4.000  
 MTH100 01 W .000 .000 .000 DR 07/09/2004 INTERMEDIATE 3.000  
 Term .000 .000 .000 QPA: .000 LIB AA  
 Cum 58.000 58.000 150.000 QPA: 2.586  
 WITHDRAWN 07/09/2004

SP2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 BIO201 011 C 4.000 4.000 8.000 HUMAN ANATOM 4.000  
 BIO202 012 B 4.000 4.000 12.000 HUMAN ANATOM 4.000  
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 MTH100 01 C 3.000 3.000 6.000 INTERMEDIATE 3.000  
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NUR PROG EXCLUSION 12/20/2005

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 ART100 05 A 3.000 3.000 12.000 ART APPRECI 3.000  
 NUR200 01 A 6.000 6.000 24.000 NURSING CARE 6.000  
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 WK0101 02 S .000 .000 .000 DH DEV HRS WORKPLACE SK 1.000  
 Term 20.000 20.000 64.000 QPA: 3.200 ADN AAS  
 (DEV) 1.000 1.000 (DEV)  
 Cum 110.000 110.000 282.000 QPA: 2.564

NUR PROG EXCLUSION 05/12/2006

Degree: LPN PRACTICAL NURSING  
 CER CERTIFICATE  
 CERTIFICATE

Grad Date: 08/09/2002 Grad Term: SU2002  
 Req.Met Date: 08/09/2002 Term Req.Met: SU2002

Transfer Course Detail by College  
 CVCC

From: 2005 To: 2005

Recv'd: 06/29/2005 Eval: Y Accepted: 11.000

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NUR121	NUR121	A	2.000	2.000	8.000	CLINICAL NURSING S
NUR201 2	NUR201 2	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR202 3	NUR202 3	A	2.000	2.000	8.000	SPECIALIZED AREA O
NUR203 4	NUR203 4	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR241	NUR241	A	1.000	1.000	4.000	BASIC PHARMACOLOGY

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 WRIGHT LINDY G

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FA1999						
ENG093 01	S	.000	.000	.000 DH DEV HRS	BASIC ENGLIS	3.000
MTH090 02	S	.000	.000	.000 DH DEV HRS	BASIC MATHEM	3.000
	Term	.000	.000	.000 QPA: .000	LIB AA	
	(DEV)	6.000	6.000	(DEV)		
	Cum	3.000	3.000	9.000 QPA: 3.000		
SP2000						
ENG101 011	A	3.000	3.000	12.000	ENGLISH COMP	3.000
ENG102 012	B	3.000	3.000	9.000	ENGLISH COMP	3.000
MTH098	S	.000	.000	.000 DH DEV HRS	ELEMENTARY A	3.000
PSY100 011	B	1.000	1.000	3.000	ORIENTATION	1.000
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	Cum	10.000	10.000	33.000 QPA: 3.300		
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LPN152 01	C	8.000	8.000	16.000	ADULT NURSIN	8.000
	Term	14.000	14.000	28.000 QPA: 2.000	LPN CER	
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SU2002						
LPN101	B	2.000	2.000	6.000	EMERGENCY FI	2.000
LPN118	C	2.000	2.000	4.000	MENTAL HEALT	2.000
LPN140	A	2.000	2.000	8.000	NCLEX PN EXA	2.000
LPN142	C	7.000	7.000	14.000	ADULT NURSIN	7.000

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7/28/2006

PL 00128

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 Cum 58.000 58.000 150.000 QPA: 2.586  
 CURRENT ISSU 2.000

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 BIO201 01 W .000 .000 .000 DR 07/09/2004 HUMAN ANATOM 4.000  
 MTH100 01 W .000 .000 .000 DR 07/09/2004 INTERMEDIATE 3.000  
 Term .000 .000 .000 QPA: .000 LIB AA  
 Cum 58.000 58.000 150.000 QPA: 2.586  
 WITHDRAWN 07/09/2004

SP2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
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 BIO202 012 B 4.000 4.000 12.000 HUMAN ANATOM 4.000  
 Term 8.000 8.000 20.000 QPA: 2.500 LIB AA  
 Cum 66.000 66.000 170.000 QPA: 2.576

SU2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 MTH100 01 C 3.000 3.000 6.000 INTERMEDIATE 3.000  
 NUR131 01 B 1.000 1.000 3.000 HEALTH ASSES 1.000  
 NUR242 C 2.000 2.000 4.000 ADVANCED PHA 2.000  
 NUR251 C 5.000 5.000 10.000 ADULT NURSIN 5.000  
 Term 11.000 11.000 23.000 QPA: 2.091 ADN AAS  
 Cum 77.000 77.000 193.000 QPA: 2.506

FA2005 Gr Attm Ernd QP Crs Status Title Sch Hr  
 BIO220 01 B 4.000 4.000 12.000 GENERAL MICR 4.000  
 NUR252 D 5.000 5.000 5.000 ADULT NURSIN 5.000  
 NUR271 C 4.000 4.000 8.000 MATERNAL-NEW 4.000  
 Term 13.000 13.000 25.000 QPA: 1.923 ADN AAS  
 Cum 90.000 90.000 218.000 QPA: 2.422  
 NUR PROG EXCLUSION 12/20/2005

SP2006 Gr Attm Ernd QP Crs Status Title Sch Hr  
 ART100 05 A 3.000 3.000 12.000 ART APPRECIA 3.000  
 NUR200 01 A 6.000 6.000 24.000 NURSING CARE 6.000  
 NUR272 D 4.000 4.000 4.000 PEDIATRIC NU 4.000  
 NUR279 B 2.000 2.000 6.000 CONCEPTS OF 2.000  
 NUR291 A 3.000 3.000 12.000 TRANSITION/N 3.000  
 NUR292 B 2.000 2.000 6.000 NURSING LICE 2.000  
 WK0101 02 S .000 .000 .000 DH DEV HRS  
 Term 20.000 20.000 64.000 QPA: 3.200 ADN AAS  
 (DEV) 1.000 1.000 (DEV)  
 Cum 110.000 110.000 282.000 QPA: 2.564  
 NUR PROG EXCLUSION 05/12/2006

Degree: LPN PRACTICAL NURSING  
 CER CERTIFICATE  
 CERTIFICATE

Grad Date: 08/09/2002 Grad Term: SU2002  
 Req.Met Date: 08/09/2002 Term Req.Met: SU2002

#### Transfer Course Detail by College CVCC

From: 2005 To: 2005  
 Recv'd: 06/29/2005 Eval: Y Accepted: 11.000

Course	Equivalent	Gr	Attm	Ernd	Qpts	Title
NUR111 2	NUR111 2	A	4.000	4.000	16.000	FUNDAMENTALS OF NU
NUR121	NUR121	A	2.000	2.000	8.000	CLINICAL NURSING S
NUR201 2	NUR201 2	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR202 3	NUR202 3	A	2.000	2.000	8.000	SPECIALIZED AREA O
NUR203 4	NUR203 4	A	1.000	1.000	4.000	SPECIALIZED AREA O
NUR241	NUR241	A	1.000	1.000	4.000	BASIC PHARMACOLOGY



**Chattahoochee**  
**Valley Community College**  
*CLOSE TO YOU. CLOSE TO PERFECT.*

2602 College Drive  
Phenix City, Alabama 36869

1.334.291.4900  
1.334.291.4994 (fax)

January 23, 2006

Ms. Lindy Wright  
7716 Boulder Drive  
Columbus, GA 31909

Dear Ms. Wright:

I have reviewed your Grade Appeal for the grade you received in NUR 271 – Maternal Newborn Nursing during the Fall 2005 Semester. Upon this review, it has been decided to change your grade from a “D” to a “C.” The proper paperwork has been filed and will be submitted to the appropriate offices to reflect this change. You have been reinstated into the program due to the fact that the proper procedures on the grade appeal were not followed in a timely manner as required by Grade Appeal policy as stated in the Student Handbook.

Sincerely,

A handwritten signature in black ink, appearing to read "James Lowe".

James Lowe  
Academic Dean

cc: Dixie Peterson  
Sanquita Alexander





Name of Student Lindy Wright 254-49-7629

**Section C: (To be completed by the Dean of the College)**

I. Date on which the appeal was filed with the Dean of the College January 9, 2006

II. Actions/findings of the Dean of the College

**The instructor did not submit Section A of the appeal process in the time stated by policy.**

III. Attachments (from the instructor and/or Dean of the College)

**No attachments**

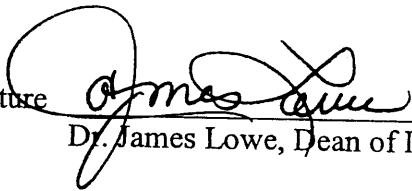
IV. Decision of the Dean of the College

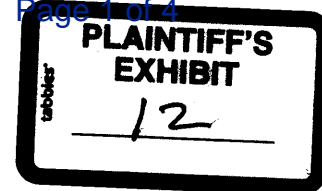
**I have reviewed the information regarding Ms. Wright's appeal. The proper paperwork from the instructor was not submitted on time as prescribed by policy; therefore, I made a grade change from a "D" to "C" in NUR271 with the approval of the Division Chair.**

V. Date of decision and notification (copies of Section A, B, and C) given to the student, instructor, and Division Chairperson

**January 19, 2006**

Signature

  
Dr. James Lowe, Dean of Instruction



IN THE UNITED STATES DISTRICT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

LINDY G. WRIGHT,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No.: 3:06-cv-1087-WKW
	)	
CHATTAHOOCHE VALLEY	)	
COMMUNITY COLLEGE (CVCC),	)	
et al.,	)	
	)	
Defendants	)	

**AFFADAVIT OF PLAINTIFF**

In May of 2004, I began attending classes in the Nursing Mobility Program for an Associates Degree in Applied Science for my RN license. I completed the first semester from May to August successfully. The two instructors that I had for class periods was Brenda Bellamy and Sandra Gunnels, the clinical instructor for clinicals in the hospital setting was Deborah Grubber.

At the beginning of the 2<sup>nd</sup> semester, the RN class of students met for clinical check offs, which each student had to perform IV administrations and Foley catheterization, both with using proper techniques. There was an extra student in the RN class check off, the student's name was Arit Dan Umha, a Nigerian girl that lived in Atlanta, she had been a student in the class prior to May 2004. The first class period of the RN class I attended for the second semester had no instructors. Sandra Gunnels and Brenda Bellamy had resigned with CVCC. The second semester classes were NUR 252 and NUR 271; 252 being Adult Nursing and 271 OB. Dean Lowe and President Blackwell attended the RN classroom for a brief time on the 1<sup>st</sup> day of class which I think was August 24<sup>th</sup>, 2004. Dean Lowe told the class that our instructors were sick; but students saw the instructors packing their things from their offices.

I talked with Sandy Gunnels and Brenda Bellamy that day in the parking lot of the Nursing Building and they confirmed that they had resigned; therefore, that left the RN class with no instruction. The nursing faculty had guest speakers come in for several class periods. One of which was John Christopher. He went over Respiratory Disorders to include a power point which began on 9-7-05. He came several weeks as a guest speaker due to the fact that he was an ADN and did not have the qualifications to teach

nursing students in an Associate Degree Program. He explained to me that he had written a test for Respiratory Disorders, in which Dixie Peterson did not review. He explained this incident to me during my 3<sup>rd</sup> semester at the Medical Center during one of my preceptor dates while he was working at the Medical Center. Before giving the test on Respiratory, it was explained to our RN class that compensatory mechanism for ABG's would not be on the test for Respirator Disorders. There were several questions on the test regarding compensatory mechanism. Everyone failed the test given by John Christopher. There were bonus questions given to everyone to accumulate extra points to boost grades for this test.

At the end of September, Ms. Lynn Harris was the instructor for Adult NUR 252 and Tywana Cash was the instructor for NUR 271. These two instructors did not use the assigned nursing books for our class periods. These two instructors were not available for tutoring or any questions that the class or myself had for any given test that were administered by either instructor. I was told by Ms. Harris one to two weeks prior to the final for 252 that I only needed 180 points to pass the course. During the time frame of this course, Mrs. Deborah Gruber has resigned her position at CVCC, therefore, I was without clinical instruction for at least 2 if not 3 clinical class periods. My clinical group turned in care plans to Deborah Gruber for grades that were calculated into our final grades for the course NUR 252 prior to her resignation. Lynn Harris stated that our care plans for my clinical group were lost and she would only issue a 23 out of 25 points.

Deborah Gruber told me and Sandy Gunnels via a cell phone conversation that she turned the care plans into Dixie Peterson. After the final was graded by Lynn Harris, she stated that I did not have enough points to continue to the 3<sup>rd</sup> semester. She never gave me a total number of points at that time. I filed a grade appeal and requested to see all of my test and course work. At that time it was December, 2004, Dixie Peterson told me that I would have to come back to the Nursing Building at Ms. Harris's convenience to review any test or course work, she made a comment that "I don't care if you drop a bomb, you can go talk to whomever you think you need to".

I proceeded up to the President's office to discuss the matter of reviewing my grades and all the disturbances in the course of class since the 2<sup>nd</sup> semester had started. President Laurel Blackwell stated, "I have nothing to do with the academic portion of the college." Dean Hodge was present in my meeting with Blackwell. When I was able to review my test grades and course work, Lynn Harris and Sherry Lifsey were present. My final test score was written all over. It had red ink pen marks in the places for answers. Lynn Harris and Dixie Peterson rushed me through one test because Dixie said Lynn Harris had to attend a meeting. So she, Dixie, told me to leave and come back after lunch time to finish with my review.

I asked if I could write down some of my incorrect answers according to Lynn Harris, they agreed to let me do so. They said yes. So I wrote down several questions and A B C D answers, not word for word and took them to Sandy Gunnels and an instructor at Columbus Technical College. They reviewed and helped me find the answer I choose in Nursing Books. The answers were marked in books by page and test #. When I returned

to CVCC, Lynn Harris was upset that I had another instructor help me and refused to let me review any other course work. I then went to an attorney, Connie Cooper. She talked with Dean Lowe and wrote letters to Dean Lowe in reference to NUR 252. In response from Dean Lowe, he told myself and attorney Connie Cooper that I would be able to substitute 252 for a new class called NUR 200 and that the "D" in 252 would not be held against me so all parties agreed that this would be okay. I was offered NUR 200 along with another student that was allowed to go to clinicals before passing a med calculation test. The med calculation test was to be completed before clinicals started. This student was allowed to pass meds and continue class the whole second semester and take her last med calculation test on the day of finals the 2<sup>nd</sup> semester.

The 3<sup>rd</sup> semester was NUR 272, which was Pediatrics with Lynn Harris. She continued not to review test after the exams were given although she stated she would. Care plans were still a part of our final grades. I turned in my 1<sup>st</sup> Pediatric Care Plan to Sylvia Shirley the 3<sup>rd</sup> semester. It was graded and given back to me by Artimesa Harmon with a grade of 22/25, she took the Care Plans back from our group. The next clinical session I was handed my Care Plan back with a different top sheet (grade sheet) it was written in red and not in my hand writing, it had been regraded with a grade of 7/25. I questioned Artimesa Harmon and she stated, "they told us to do this, the Nursing Department". I don't know anything about the grading, you need to talk to the faculty at CVCC, Dixie and Lynn

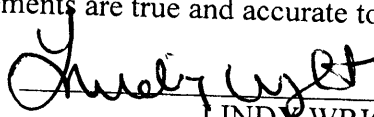
When the classroom portion of the NUR 272 met again Lynn Harris said that the Care Plans were to be redone and that we would not discuss it anymore. Just redo them. I did redo them and received a 20/25. These were regraded 3Xs when I should have received a 22/25. The 2<sup>nd</sup> care plans were not offered to be redone in the class time by Lynn Harris. By the end of the 3<sup>rd</sup> semester after the finals, Lynn Harris stated that I did not have enough points to graduate that not to worry because I would be able to take a class the following semester, Independent Study like NUR 200 and graduate.

She allowed myself and two other students to review our grades after graduation I found 9-12 points extra that she missed. I was also told by Dixie Peterson to ask Lynn Harris if myself and another student could redo the 2<sup>nd</sup> Care Plan, in which she stated. "I have talked with Dixie about redoing care plans and we decided No, I don't know why she told you to ask me". After graduation and review of grades, I was told by Lynn Harris to call the Nursing office to find out details of the course that would be offered during the summer of 2006. When I called the Nursing office the secretary told me that I was exempt from the program that I had failed 2 classes. She told me that I failed NUR 252 and NUR 272 and would not be able to return.

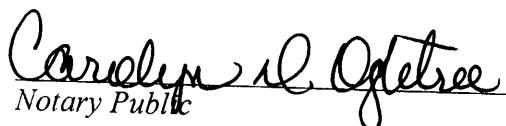
Dean Lowe told myself and Connie Cooper that NUR 252 "D" would not be held against me. I in return, requested course forgiveness May 19, 2006. in which I submitted a letter to Dean Hodge. It was denied because CVCC had changed the course # of NUR 252 to course #NUR 200 because the course numbers would be different in 2006 due to the curriculum changes. Carole Rambo did not graduate and was able to take NUR 272 again after the 3<sup>rd</sup> semester was over during the Summer/Fall of 2006. I was allowed to

substitute NUR 200 for NUR 252 the Spring Semester, 2006, the course numbers were changed on me due to change of curriculum but not for Carole. After I took my courses, she was able to take NUR 272 over and received course forgiveness, and I was denied. I was told by Sandra Gunnels, that Dixie Peterson told her and Brenda Bellamy, "She is a weak student and did not pass her LPN boards the 1<sup>st</sup> time, so she does not need to pass the second semester". Also Lynn Harris stated that she would review test given throughout he 3<sup>rd</sup> semester. She did not review any tests as she told the class she would after each test. She went over test the day before the final exam. This was not done in a timely manner in order for the class to appropriately ask questions or get extra help if needed.

My signature indicates that the above information is stated in my own words. Moreover, my signature indicates that my statements are true and accurate to the best of my ability.

  
LINDY WRIGHT

Sworn to and subscribed before me this 2<sup>nd</sup> day of November, 2007

  
Notary Public



**CONNIE COOPER***Attorney at Law**P.O. Box 3110**Phenix City, AL 36868**(334) 297-9442**Fax: (334) 297-6008**January 10, 2006*

Dean James Lowe  
Chattahoochee Valley Community College  
2602 College Drive  
Phenix City, AL 36869

RE: My client, Lindy Gale Wright

Dear Dean Lowe,

I am writing to follow-up on our telephone conversation today. I have been retained to assist Ms. Wright in pursuit of her due process rights regarding her grade appeal of two college courses.

It is my understanding that you will inform Ms. Wright or myself either today or tomorrow as to whether she will be allowed to continue classes until a ruling on her appeal is rendered. In the event she is not allowed to continue classes, I understand that concessions will be made later, in the event the ruling of her appeal is successful. We are aware of other students who have been allowed to continue class pending their appeal.

Additionally, it is my understanding that this entire process will be completed within 10-15 days after receipt of the information from Ms. Peterson and a decision is rendered. My client is aware of the due process procedure and will strictly adhere to the school policy in this regard.

Thank you for your time and attention.

Sincerely,

Connie Cooper



**Sanquita Alexander**

**From:** Dixie Peterson  
**Sent:** Tuesday, January 17, 2006 6:31 PM  
**To:** Heather Chalkley  
**Cc:** Saundra L. Noles; James Lowe; Sanquita Alexander  
**Subject:** Lindy Wright

Heather,

I spoke with Lindy Wright today, and she is eligible after Dean Lowe's ruling, to return to the program. She will need to register for :Nursing 272, Nursing 279, Nursing 291, Nursing 292 and Nursing 200. I think she also has a non-nursing course to take to complete degree requirements by May. The Nursing 200 is a new course, and is being offered for the first time this semester. It is a course reserved for those new ADN students who will be admitted to our May, 2006 program. Since Ms. Wright's failure of Nursing 252 stands, it will be necessary for her to repeat that course to reach a grade of "C" or better. Since the new standardized curriculum will be implemented with the new RN class that enters in May, 2006, Nursing 252 will not exist in the new curriculum. Therefore, in order for Lindy to repeat the course in the most closely resembling manner to Nursing 252, I will allow her to register for Nursing 200 which we will substitute (by authorization of the Dean) for Nursing 252. This means that if Lindy passes everything for which she is registered in the spring of 2006, she could still possibly graduate in May, 2006.

Sanquita, I will be requesting of Dean Lowe to sign a substitution form for Nursing 200 to be accepted for Nursing 252, so Lindy will be registering for Nursing 200 to fulfill the 252 requirement. Has she filled out all graduation application forms?

Thanks,

Dixie

1/18/2006

CVCC00804



AUTHORIZATION FOR COURSE SUBSTITUTION

Spring Semester, 199 2006

STUDENT NAME Lindy Wright

SOCIAL SECURITY NUMBER 254 1 49 1 7629

MAJOR ADN DEGREE PROGRAM \_\_\_\_\_

COLLEGE CATALOG YEAR FA 04

RATIONALE:

*slc per ms Peterson*  
Student failed Nur 252 in Fall 05. The new state wide curriculum takes effect in May 06. Nur 252 will not exist and the Course Content will actually be divided between numerous Courses. NSG 200 is a combination of this course.

COURSE(S) SUBSTITUTED

*slc per ms Peterson*  
Nur 252

REPLACED COURSE(S)

NSG 200

STUDENT

DATE

ACKNOWLEDGED:

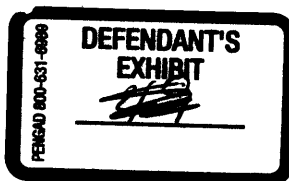
*[Signature]*  
FACULTY ADVISOR

1-24-06  
DATE

APPROVED:

*[Signature]*  
DEAN OF THE COLLEGE

1/26/06  
DATE



CVCC 000248

PLAINTIFF'S  
EXHIBIT

Evaluation Criteria	Possible #Pts	Earned Pts	Comments
A. Assessment Packet	5	3	
B. Nursing Diagnoses			
1. Appropriate	4	1	
2. Prioritized	3	0	
C. Subjective	2	0	
D. Patient Goals			
1. Appropriate	4	0	
2. AEB	3	0	
E. Nursing Interventions			
1. Appropriate	4	0	
2. Prioritized	3	0	
F. Scientific Rationale with References	4	2	
G. Evaluation of Patient Goals	3	0	
TOTAL	35	25	

Grade 7

Never NA  
or No abd  
seen

So

Goals Not Approp  
for this patient

Did Not Watch

Nursing Diagnoses

Where did you get this info

Allergies: AKABirthdate: 7/30/02 Race: B Religion: ChristianInformation obtained from: at chart + familyChief Complaint (include what the child says, if possible):  
SurgeryHistory of present illness (include any home medications):  
no home medsnew onset Surgery,Past History CMV, in uteroBirth History (date of child, type of delivery, complications):  
Started 2 days prior tochild was premature birth w/ CMV.Previous illnesses, injuries, or hospitalizations:  
CMV - in utero

Immunizations:

Current ☒ Not Started

Why?

Growth/Development:

Stage (according to Erikson):

Specifics (Are they delayed or appropriate? Observations): Trust vs Mistrustthe child is not delayed, appropriate dueIf in school, what grade? daycareAre grades satisfactory? General Appearance: Received at birth w/ head. alert, responds to touch,SVS of infection noted. moved all extremities, skin w/ery + dry to  
touch, bump clear + no regular abdominal soft nor distended, family  
states, crying, sleep clear + no regular abdominal soft nor distended, family  
Vital Signs: (Complete as age appropriate)  
T 98 P 114 R 23 B/P 101/56Weight: 28.5 lbs B/P 101/56Head Circumference, if infant: not applicable Growth Chart Percentile: 15th



Nose (discharge, history of nosebleeds, etc.):

no discharge noted

Ears (history of infections, hearing loss, etc.):

no loss noted

Mouth (mucous membranes, teeth number and condition, etc.):

pink & moist, no teeth appear present.

Throat (history of sore throats, difficulty swallowing, etc.):

soft & indicated due to copious secretion  
percussion  
SP

Neck (pain, stiffness, limited movement, enlarged nodes, etc.):

no abnormalities noted

Chest (masses, development, etc.):

no abnormalities noted

Respiratory (chronic cough, frequent colds, SOB, breath sounds, etc.):

breath sounds clear & unlabored

Cardiovascular (history of heart murmur or rheumatic fever, anemia, cyanosis or fatigue on exertion, etc.):

no abnormalities noted

GI (upper

food preferences, eating habits, elimination habits, etc.):

Musculoskeletal (weakness, pain or stiffness, history of fractures, scoliosis, etc.):

none noted  
moves all extremities

Neurologic (history of seizures, tremors, dizziness, loss of memory, fears, nightmares, speech disturbances):  
no seizures for 2 days prior to admission

Endocrine (intolerance of temperature changes, excessive thirst, salty taste to skin, etc.):

none noted.

Personal/Social (home environment, marital status of parents, type of dwelling, occupation of family members, cultural/religious preferences, etc.):

lives w/ aunt and uncle; house. gets Saudis work for Kodak cameras.

Note observations made between family members and infant/child:

family members very concerned & caring.

Multi-Disciplinary Needs of patient &/or family:

teach family about diet + aspiration pneumonia  
is this needed to help  
is it possible  
is it possible

MEDICATIONS: For both sections, include Brand & Generic Names, Dosage, Route, Frequency, and why the medication is being taken/given.

LIST OF HOME MEDICATIONS (WHAT THE PATIENT WAS TAKING PRIOR TO BEING ADMITTED INTO THE HOSPITAL) (include prescriptions, OTCs, and herbals)  
no home meds.

unremarkable 400/3 112 cap po BID.

# ABNORMAL LAB VALUES & DIAGNOSTICS ANALYSIS:

## Abnormal Lab Values/Diagnostics

### Significance/Rationale

What is causing the abnormality & why?

### Normal Range/Results

is this the only abnormal

CT of Brain, 11/14/06

lab or Diagnostic test spontaneous

Small amount of mineralization seen in basal ganglia & left temporal lobe. This is atypical for age and is unclear etiology or significance.

## Summary of the Health Assessment (Head-to-Toe) - (Include subjective & objective data)

eyes (normal), facial symmetry intact, mucous membranes pink & moist, apical pulse 98, lung sounds clear, clear & unlabored, abdomen soft, nondistended, bowel sounds x4, IV with 05/50% infusion at 45, IV site wrapped with gauze & tape, abd appears to be lying well, no S/S of respiratory distress, move all extremities, no edema noted.

PATHOPHYSIOLOGY (include information about the disease process/condition, possible sequelae of disease process/condition, treatment and medication regimens, abnormal lab values & their meanings, and abnormal diagnostic test results & their meanings. Summarize one causal by malfunction of the brain electrical system that results from cortical reorganized discharge. Summarize one determined by site of injury & signs & symptoms may include unconsciousness or altered consciousness, unrelenting movements & changes in perception behavior, sensation & posture. (Incorporate by EEG) remove brief burst of 400 (S/S of epileptic) blood glucose - variation of hypoglycemia PATIENT PROBLEM LIST (at least three - these will be used to develop your nursing diagnoses) (if possible, PRIORITIZED).

electrolytes, blood urine multiple This - thyroid solo to state in case & other blood studies may in b at risk for

NEW

Pediatric Nursing Care Plan #1

Nursing Diagnosis #1: At Risk for Injury R/T Seizure activity  
at Risk for Hypoxia "ABC's" first & foremost

<p>active not stable frail also will inself of another</p> <p>active status is active 1 day no line</p>	<p>Opt will not experience any injury during 7-3 shift 1-28-06 evidence of no seizure activity.</p> <p>Resp distress 2 Aspiration 2</p> <p>Why This has nothing to do with the Why</p>	<p>① Pad objects such as crib</p> <p>② administer antiepileptic meds Tegretol ordered per MD.</p> <p>③ Educate parents &amp; child regarding appropriate activities</p> <p>④ monitor lab values diagnostic test</p> <p>⑤ Encourage adequate dietary intake type food appropriate</p> <p>⑥ Administer if needed</p>	<p>* See reference at bottom of pg.</p> <p>① helps prevent injury.</p> <p>② Meds decrease the chances of Seizure activity.</p> <p>③ if not educated further injury may result.</p> <p>④ indicators of (lab) metabolic derangements (diagnostic test) indicators of brain lesions &amp; neuro dysfunction.</p> <p>⑤ prevents deficiency of required nutrients.</p> <p>⑥ Supplies adequate tissue perfusion.</p>	<p>① F ing 1-3 1-</p> <p>by active from bed pt if you to pt Did you have the</p>
---	--	--	--	--

Reference = ( Nursing Care of  
 Infants & Children 7th Edition  
 Pg 1197 )

Nursing Diagnosis #2: At Risk for Aspiration R/T motor activity + lo  
Same as Risk for Injury

<p>only monitor  <del>at</del> <u>choking</u>          not is          my legs          difficulty          suction          edside</p>	<p>Opt will          exhibit no          signs of          aspiration          as evidence          by tolerating          clear liquid          well and</p> <p>NO</p>	<p>① nothing in          child's mouth          during seizure          episode          ② Loosen          clothing          ③ Position          child with          head midline;          not hyperextended          ④ turn to side          if vomits          ⑤ put O2 +          suction at          bedside</p>	<p>* See reference          at bottom of          page all from:          ① can cause          injury and          aspiration.          ② Restricts          movement or          breathing          ③ promotes          adequate          ventilation.          ④ prevents          aspiration.          ⑤ For adequate          tissue perfusion +          keep oral pharynx          clear of airway          obstruction.</p>	<p>Go          Opt          sign          app          test          fold          clear          with          SFS          0          Sura          The</p>
---	---	---	--	---

\* Wong's  
 nursing care of infants + children  
 pg. 11.00



1. **Background:** The study is a cross-sectional survey of 1,177 children and adolescents in the United States, focusing on the prevalence of various mental health conditions.

Child States Council,  
Admission to Sweet's and pneumonia at TMC.

no home med. lib. sent from  
did stuff, etc.

[illegible]

3 children; normal delivery

tuberc in case  
Duke's cap pneumonia

## Why?

Specifics (Are they delayed or appropriate? Observations): 2000001150

Are grades satisfactory?

Ergo pendula, luno corde equal  
lower ~~cord~~ look at fashion?  
Nis + vis, where? heard  
Ergo pendula, luno corde equal  
unlabored, where? heard

S/S of Redness or swelling noted. At rest, active ex 4. Abnormal difficult to hold. Edema noted to wrists. Loose cough noted, gradual state. Vital Signs: (Complete as age appropriate) ~~100/60~~ clear mucus coughed, ~~100/60~~ P 115 R 33 on seat

7th

$$\frac{n}{B}$$

**Skin (color, ash, texture, deformities, etc.):**

Nose (discharge, history of nosebleeds, etc.):

no discharge noted.

good primary status, no history of bleeding.

Ears (history of infections, hearing loss, etc.):

no defects noted. ~~of~~ hearing loss, tubes placed in ears when a baby, for ear infections

Mouth (mucous membranes, teeth number and condition, etc.):

moist, pink, 16 teeth, good dental health, no apparent

Throat (history of sore throats, difficulty swallowing, etc.):

Causes

no swallowing difficulties noted, while drinking apple juice  
no nodules deformities noted

Neck (pain, stiffness, limited movement, enlarged nodes, etc.):

no pain, stiffness noted.

active range of motion noted

Chest (masses, development, etc.):

no abnormalities noted.

Symmetrical movement during chest expansion

Respiratory (chronic cough, frequent colds, SOB, breath sounds, etc.):

loose cough noted, acute

no audible wheezing heard.

clear ~~pink~~ mucous noted.

wheezing heard on

Breath sounds even, unlabeled acceleration.

Cardiovascular (history of heart murmur or rheumatic fever, anemia, cyanosis, or fatigue on exertion, etc.):

apical pulse 115; no apparent problems noted

GI (appetite, food preferences, eating habits, elimination habits, toilet-trained, etc.):

↪ while up playing (he according to my)

a state stool was in a 10 month

...muscular (weakness, pain or stiffness, history of fractures, scoliosis, etc.);

NO weakness or pain noted.

moves all extremities without difficulty.

Neurologic (history of seizures, tremors, dizziness, loss of memory, fears, nightmares, speech disturbances):

NO deficits noted.

Hand grip strength

...follows command? ...appropriate?

Endocrine (intolerance of temperature changes, excessive thirst, salty taste to skin, etc.):

no deficits noted per grandparents.

Personal/ Social (home environment, marital status of parents, type of dwelling, occupation of family members, cultural/ religious preferences, etc.):

lives w/ single mother & 3 siblings

religious preference is catholic <sup>Shirley supports both grandparents</sup> in a house

Note observations made between family members and infant/child:

VSS while in car.

Good interaction between grandparents & child  
mother not present. child & grand parents  
appear to have loving relationship.

Multi-Disciplinary Needs of patient &/or family: for working plan.

educated grandparents to have child spit out any

medications: For both sections, include Brand & Generic Names, Dosage, Route, Frequency, and why the medication is being taken/given.

A.

LIST OF HOME MEDICATIONS (WHAT THE PATIENT WAS TAKING PRIOR TO BEING ADMITTED INTO THE HOSPITAL) (include prescriptions, OTCs, and herbs)

no home meds, child does not take vitamins

ABNORMAL LAB VALUES & DIAGNOSTICS ANALYSIS:

Abnormal Lab Values/Diagnostics Significance/Rationale	Normal Range/Results
---	----------------------

What is causing the abnormality & why?  
 CT scan of chest  
 Cavity lesion in R<sup>th</sup> lobe, probably representing  
 lung abscess.  
 @ pleural effusion.  
 all lobe normal last taken on 1-1-10  
 Summary of the Health Assessment (Head-to-toe) - (Include subjective & objective data)  
 Recurred pt absent, talking to grandparent & nurse  
 Eyes peria, mucous membranes pink moist. Even unlabored  
 respirations noted, wheezing heard @ R lobe. He regular. (IV  
 tubing AS at LVO to left hand, no SOB, unlabored, wrapped with knee  
 + tape. abdomen soft non distended; Bx4; no difficulty voiding;  
 on yesterday per grandfather. Tolerating PO well. apicaly right  
 2-3 seconds. no edema noted; moves all extremities.  
 no complaints noted.

PATHOPHYSIOLOGY (include information about the disease process/condition, possible sequelae of disease process/condition, treatment and medication regimens, abnormal lab values & their meanings, etc. abnormal diagnostic test results & their meanings, most distal alveoli are  
 complication of bacterial pneumonia are  
 aspiration of oral amonoids into the lung. Or are caused by  
 secondary to mechanical or functional obstruction of the bronchus  
 by a tumor, foreign body, or bronchial stenosis or other  
 obstructing pneumonia + B. Pulmonary embolism, or chemotherapy  
 production cough w/ moderate to copious amounts of foul-smelling, bloody  
 sputum. Fever & chills may develop. Centralization of leukocytes to combat  
 PATIENT PROBLEM LIST (at least three - these will be used to develop your nursing diagnoses)  
 PRIORITIZED:

Impaired Airway Clearance due to sputum production  
 cough w/ clear mucous pinkish  
 possible infection pneumonia

on extended period. Clindamycin is drug of choice, followed by penicillin w/ methicillinase. Cefazolin plus amino glycoside or cefepime is used when the infecting organism is *P. aeruginosa*. *S. aureus* is treated w/ oxacillin, nafcillin or 1st generation cephalosporin.

### Teaching plan.

- ⑤ instruct pt + family about good hand washing techniques + how this reduces the risk for spread of infection. Instruct them to use soap + warm water + briefly rub hand w/ soap under water for at least 20 seconds + how to properly dry hands + then turn faucet off without contamination.



-27-06

formation JT m information 1-6-06

x ② during phase of ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿ 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 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27-06-2018  
Schas 2  
28.11.18  
47m  
E. Slom  
P. Slom  
Schas 2

**Information**

x ② Lung Abscess, ③ pleural Effusion, ④ Pneumonia

List for Special of Infection

Subjective Data	Goal	Intervention	Rational	Implementation	Evaluation
<p>ulso</p> <p>- cavity</p> <p>in O</p> <p>the.</p> <p>al effusion</p> <p>Antibiotics</p> <p>orders.</p> <p>scar</p> <p>ucus</p> <p>no.</p> <p>ic line</p> <p>rm.</p> <p>eshe</p> <p>Clear</p> <p>secting</p> <p>and father</p> <p>zel.</p>	<p>pt will</p> <p>remain</p> <p>infection</p> <p>free from</p> <p>7-3 shift</p> <p>as evidence</p> <p>by V/S will</p> <p>Temp 98.7</p> <p>Pulse 115</p> <p>B/P 110/66.</p> <p>pt will</p> <p>remain</p> <p>infection free</p> <p>from 7-3</p> <p>shift as</p> <p>evidence</p> <p>by demon</p> <p>good hand</p> <p>technique.</p>	<p>Monitor V/S</p> <p>the</p> <p>Send out</p> <p>but diff</p> <p>pt + family</p> <p>concerns</p> <p>deposition of</p> <p>secretion +</p> <p>reporting A/C</p> <p>color, amount +</p> <p>odor.</p> <p>pt + pts family</p> <p>will dem</p> <p>Demonstrate +</p> <p>Encourage good</p> <p>handwashing</p> <p>State knowledge</p> <p>Limit visitors</p> <p>as indicated</p>	<p>Indicator of</p> <p>infection. Ex Temp</p> <p>↑ pulse + Respiration</p> <p>* Reference - Nursing</p> <p>Care plans - Marilyn E Osengs</p> <p>May F. Moorhouse</p> <p>Alice C. Beaslin pg 145.</p> <p>A/C characteristics</p> <p>of sputum reflect</p> <p>resolution of pneumonia</p> <p>+ or secondary infection</p> <p>* Reference - Nursing</p> <p>Care plans - Marilyn E</p> <p>Osengs; May F. Moorhouse</p> <p>Alice C. Beaslin pg 145.</p> <p>Effective means</p> <p>of reducing infection</p> <p>* Reference - Nursing</p> <p>Care plans - Marilyn</p> <p>E Osengs - May F.</p> <p>Moorhouse; Alice C</p> <p>Beaslin pg 145.</p> <p>Reduces likelihood</p> <p>of exposure to other</p> <p>infectious pathogens.</p> <p>* Reference - Nursing</p>	<p>Monitor V/S</p> <p>Temp 98.7 R/R 23 A-115</p> <p>B/P 110/66</p> <p>Instructed pt</p> <p>+ family A/C of</p> <p>Sputum.</p> <p>Demonstrated +</p> <p>Encouraged family</p> <p>+ pt how to wash</p> <p>hands + why.</p> <p>Instructed family</p> <p>about visitors +</p> <p>the ↑ risk of spread</p> <p>of infection.</p> <p>Nurse or</p> <p>dicty administered</p> <p>Rx antibiotics</p> <p>that were due.</p>	<p>Goal</p> <p>pt V/S n</p> <p>WNL on 7-3</p> <p>R/R 23</p> <p>T 98.7</p> <p>P 115</p> <p>B/P 110/66.</p> <p>goal met</p> <p>pt + fan</p> <p>demand</p> <p>a discuss</p> <p>the purpose</p> <p>of hand wa</p>

what about  
 contract for  
 precautions? 2. ex. 100  
 7 that could  
 be anything  
 from weak syrup  
 to antibiotics

\* Reference. Murray  
 Case Plans. Marilyn  
 C. O'Brien. Mary  
 Mearhouse. Alice  
 L. L. L. 115.

⑤ Administer  
Rx per m.p. order

⑤ Used to combat most infections.

7-06

ation

D Lung Access @ Alveolar Effusion, @ Pneumonia

for

Tissue Intolerance R/T Inflammatory Process & imbalance between

active Data	Goal	Intervention	Rational	Implementation	Evaluation
aints s or n deery element.	Pt will demonstrate an ↑ in tolerance to activity as Evidenced by VS will remain and on 7-3 shift.	① Evaluate Pt's response to activity. NO chills, ↑ weight + Δ in VS during + after activity ② Provide quiet environment + limit visitors. ↑ provide reg. rest periods	① Establish pt's needs/capabilities + facilitate choice of intervention. + Ref. Nursing Care Plan Mary E O'Leary Mary F Moorhouse Alice C Berstein P. 146 ② Reduce stress + excess stimulation, promoting rest. + Ref. Nursing Care Plan P. 146 ③ Pt may be comfortable in several different positions. + Ref. Nursing Care Plan P. 147 ④ minimize's stressors + helps to balance O2 supply + demand.	① Evaluated Pt's activity level throughout shift 7-3. ② Instructed family + Pt of quiet environment + how it would reduce stress + tension levels. ③ Assisted in showing the family + child how to be comfortable in several positions. ④ Assisted w/ am care + all needs throughout 7-3 shift.	Goal met VS remain with 7-3 shift T 98° P 115 B/P 110/66 R. Goal met Pt had ↑ act level as Ev no complaints fatigue during 7-3 shift.

no is and  
day

monitoring appropriate  
activities + balance  
Pt capabilities  
Ref. -  
Nursing Care Plan  
P. 147

Maximum Points	Your Score	Comments
Diagnosis/Disorder Discussion 5 pts.	6	
Nursing Assessment 5 pts.	5	
Nursing Intervention 5 pts.	5	
Bibliography Typed APA format Three sources 2 pts.	2	
Oral Presentation Professional Eye contact with audience Verbalization, pronunciation Provides typed outline to instructor 3 pts.	3	

EARNED POINTS: 20 / 20 PTS.

ORAL EXAM \_\_\_\_\_ EARNED POINTS: 10 / 10 PTS.

TOTAL POINTS EARNED: 30 <sup>25 pts.</sup> / ~~20 pts.~~

Comments:

Instructor's Signature: Shenka Duncanson

Student's Signature: \_\_\_\_\_

Acute lymphocytic leukemia is a cancer of the white blood cells characterized by the overproduction and continuous multiplication of malignant and immature white blood cells in the bone marrow.

Acute leukemia account for nearly 11 percent more than chronic leukemia. About 30% of cancers in children ages 0-14 years are leukemia, and most common is ALL.

Incidence rates for leukemia are higher in males; males are expected to account for more than 56% Rates are higher in white children than black children.

Hispanics of all races under age 20 also have higher rates of leukemia.

Cancers in children ages 1-4 year old is more than 10 times greater than young adults ages 20-24

Some doctors believe that ALL develops from a combination of genetic and environmental factors Research show that all malignancies are due to subtle or less subtle changes in DNA that lead to unimpaired cell division and breakdown of inhibitory processes.

High doses of radiation increases the risk of developing acute leukemia.

Test to diagnosis may include: CBC, bone marrow biopsy (examined for blast, cell counts and other diseases). A lumbar puncture is generally required to determine whether the malignant cells have invaded the central nervous system.

#### Assessment/Symptoms

Generalized weakness and fatigue  
Anemia

Frequent or unexplained fever and infections

Weight loss and /or loss of appetite

Excessive bruising or bleeding from wounds, nosebleeds, petechiae

Bone pain, joint pains (caused by the spread of blast cells to the surface of the bone or into the joint from the marrow cavity)

Breathlessness

Enlarge lymph nodes, liver and/or spleen

The signs and symptoms of ALL result from the lack of normal and healthy blood cells because are crowded out by malignant and immature white blood cells. Therefore, people with ALL experience symptoms from their red blood cells, white blood cells and platelets not functioning properly.

Abnormal lab test may include CBC; renal functions; electrolytes and liver enzymes.



Treatment can include: chemotherapy, steroid, radiation therapy, intensive combined treatments including bone marrow or stem cell transplants and growth factors.  
The nurse should provide emotional support for the child and the family.  
Should place child in private room to reduce the risk for infection  
Explain all procedures carefully at child's level of understanding.  
Encourage good hygiene  
Teach the parents about the disease process

#### Bibliography:

- Wikipedia, the free encyclopedia. (2006). Acute Lymphoblastic Leukemia (ALL). [online]. [http://En.wikipedia.org/wiki/Acute\\_lymphocytic\\_leukemia](http://En.wikipedia.org/wiki/Acute_lymphocytic_leukemia)
- The Leukemia & Lymphoma Society :Disease Information . Leukemia Facts & Statistics. [online]. <http://www.leukemia-lymphoma.org/all-page?item-id=9346>
- Hockenberry, Wilson, Winkwlstein, Kline. (2003). Wong's Nursing Care of Infants and Children (7<sup>th</sup> ed.). St. Louis Missouri. pp. 1606-1611.

Allergies: AKA Birthdate: 7/30/02 Race: C Religion: Christian

Information obtained from: pt chart + family

Chief Complaint (include what the child says, if possible):

Surgery

History of present illness (include any home medications):

no home meds new onset Surgery,

started 2 days prior to

past History CMV, in utero started 2 days prior to  
birth History (# of child, type of delivery, complications): admission

child was premature birth w/ CMV.

Previous illnesses, injuries, or hospitalizations:  
CMV - in utero

Immunizations: Current ✓ Not Started \_\_\_\_\_ Why? \_\_\_\_\_

Growth/Development: Trust vs Mistrust

Age (according to Erikson): Trust vs Mistrust

Observations: Appropriate due to delayed or appropriate? Observations: Delayed for chronological age.  
child to experience in a way prior to chronological age.  
in school, what grade? daycare Are grades satisfactory? \_\_\_\_\_

General Appearance: Received pt lying in bed alert, responds to touch,  
on verbal IV noted to left arm wrapped w/ gauze + tape, no  
3/5 of extremities noted. moves all extremities. skin warm + dry to  
touch, lungs clear, no regular abdominal signs nor distended, family  
states, young daughter had been previous day.

Weight: 28.5 lbs B/P 107/56

Height: 41 inches Growth Chart Percentile: 15%  
ad Circumference, if infant: not applicable

cyber nurse;

lose (discharge, history of nosebleeds, etc.);

no discharge noted, no hx of nose bleeds per  
of caregivers

Ears (history of infections, hearing loss, etc.):

no loss noted

Mouth (mucous membranes, teeth number and condition, etc.):

pink + moist, all teeth appear present

Throat (history of sore throats, difficulty swallowing, etc.):

Soft diet indicated due to aspiration precautions

Neck (pain, stiffness, limited movement, enlarged nodes, etc.):

~~no abnormal findings noted~~ no limited movement noted  
no neck pain or problems.

Chest (masses, development, etc.):

~~no abnormal findings noted~~ no chest mass noted.  
no abnormal findings noted.  
no abnormal findings noted.

Respiratory (chronic cough, frequent colds, SOB, breath sounds, etc.):

Breath sounds even + unlabored.

Cardiovascular (history of heart murmur or rheumatic fever, anemia, cyanosis or fatigue on exertion, etc.):

no abnormal findings noted.  
Apical 98,

Glennell not maintained eating habits elimination habits toilet training

1. Wiederholung

Neurologic (history of seizures, tremors, dizziness, loss of memory, fears, nightmares, speech disturbances);  
 hx of surgery for 2 deep pools to calmaria;

more notes.

Shirley w/ aunt and uncle; house.  
for Kodak. chattering.

family members very concerned & caring.

much family about diet + reputation

home safety → pad crib - teach about meds

MEDICATIONS: For both sections, include Brand & Generic Names, Dosage, Route, Frequency, and why the medication is being taken/given.

Precautions

For as

needed by

LIST OF HOME MEDICATIONS (WHAT THE PATIENT WAS TAKING PRIOR TO BEING ADMITTED INTO THE HOSPITAL). (Include prescriptions, OTCs, and herbs)

3 home meds.

Unmoved 400/5 1 1/2 top po BID, 1/whil,

**ABNORMAL LAB VALUES & DIAGNOSTICS ANALYSIS:**

**Abnormal Lab Values/Diagnostics**

**Significance/Rationale**

What is causing the abnormality & why?

**Normal Range/Results**

MCV - 113.24 7.04  
m PV - 7.04

CT of Brain, 11/19/06

EEG ordered - no results  
but yet.

Small amount of meningeal enhancement seen in basal ganglia & left temporal lobe. This is atypical for age and is unclear etiology or significance.

**Summary of the Health Assessment (Head-to-Toe) - (Include subjective & objective data)**

eyes ~~periorbital~~, facial asymmetry noted, mucous membranes pink & moist, apical pulse 98, lung sounds even, clear & unlabored, abdomen soft, nondistended, bowel sounds x4, IV with 05% dextrose at 45 IV site wrapped with tape, site appears to be infusing well, no S/S of phlebitis noted, no edema noted.

**PATHOPHYSIOLOGY** (include information about the disease process/condition, possible sequelae of disease process/condition, treatment and medication regimens, abnormal lab values & their meanings, and abnormal diagnostic test results & their meanings, Surveys are caused by malfunction of the brain electrical system that results when cortical neurons discharge. Surveys are determined by site of origin & surge & symptoms may include unconsciousness or altered consciousness, involuntary movements & changes in perception behavior, sensations & posture. (Instructed by EEG)

**PATIENT PROBLEM LIST** (at least three - these will be used to develop your nursing diagnoses) **UPDATES**  
PRORITIZED: 1) Post Atrial Septal Defect  
2) blood urine multiple  
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100) blood urine multiple



## PEDIATRIC NURSING CARE PLAN

Seizures, dev delayed, Om

Risk for injury, hypoxia +  
aspiration R/T motor activity  
loss of consciousness.NAME: Lindy WrightDATE: 2-24-06

IT	GOALS	INTERVENTIONS	RATIONALE	EVALUATI
1	Will not experience injury, respiratory distress or aspiration as evidence by O2 sat will stay above 90%, no visible injury noted on 7-3 shift.	Time seizure  PROC'S  protect child during seizure Do not restrain child or use force loosen restrictive clothing Do not put anything in child's mouth (e.g. tongue blades, food, or fluids) position child on back midline, not hyperextended if possible Pad objects such as crib, siderails, or wheelchair  If child begins to vomit, turn to side  Administer O2 if needed.	to determine possible hypoxia + need for ER care. * Wongs Nursing Care of infants + children 7th Ed. pg. 1697.  protect from what? to prevent infiltrating injury to child or self. * Wongs Nursing Care of infants + children 7th Ed. pg. 1697  Can cause injury, obstruct breathing or be aspirated. * Wongs Nursing Care of infants + children 7th Ed. pg. 1697  to promote adequate ventilation to lessen injury. * Wongs Nursing Care of infants + children 7th Ed. pg. 1697  to prevent aspiration * Wongs Nursing Care of infants + children 7th Ed. pg. 1697.  <del>Supplies adequate tissue perfusion. * Wongs Nursing Care of infants + children 7th Ed. pg. 1697</del> indicator of ... tissue	Child exhibits no signs physical or injury or asf  Childs O2 S stayed above 90% of hy

series  
picks  
up

✓ O2 sat periodically  
have suction available (also child's  
cont'd)

## PEDIATRIC NURSING CARE PLAN

Seizures, dev delayed, On  
Risk for injury R/T to  
type of seizure.

NAME: Lindy Wright

DATE: 2-24-06

NT	GOALS	INTERVENTIONS	RATIONALE	EVALUATION
myself other activity ys	Will not experience seizure activity on 7-3 Shift	Administer antiseizure medications. Tegretol ordered per md. making sure to comply w/ regimen times.	helps to prevent Seizure activity * Wong's Nursing Care of Infant + children. 7th Ed. pg 1697.	Child remains free of seizure activity on shift as stayed calm &
	Will not experience medication complications on 7-3 Shift	Avoid precipitants of seizure activity. Teach family when appropriate the administration of meds. Teach to identify unfavorable reactions to meds	helps with prevention of Seizure activity. + provides knowledge for care givers. * Wong's Nursing Care of Infant + children 7th Ed. pg 1697.	family demonstrate an understanding of unfavorable reactions to meds as stated they would report of shortness of or any abnormal signs during administration 7-3 shift.
	will not experience injury on 7-3 Shift	Express importance of compliance	helps prevent seizure activity * Wong's Nursing Care of Infant + children 7th Ed. pg 1697.	Family agreed on appropriate for child on AEB status would wait the child on SA with child bath and activities.
		Encourage periodic physical & laboratory assessment	to determine possible deviations from normal findings. * Wong's Nursing Care of Children + Infants 7th Ed. pg 1697.	
		Educate parents + child regarding appropriate activities for child. supervision during bathing	helps prevent injury * Wong's Nursing Care of Children + Infants 7th Ed. pg 1697.	

AEB?

AEB?

Diagnosis #1: At Risk for Injury R/T Seizure activity  
Risk for Hypoxia "Apnea's" first & foremost.

Pediatric Nursing Care Plan #1

State	Goals and Expected Outcomes	Nursing Interventions	Rationale/References	Notes
<p>state</p> <p>no</p> <p>of</p> <p>er</p> <p>state</p> <p>clearly</p> <p>days</p> <p>ing to</p> <p>you do</p> <p>"get"</p> <p>diagnosis</p>	<p>Opt will not experience any injury during 7-3 shift</p> <p>no seizure activity.</p> <p>Resp distress 2</p> <p>Aspiration 2</p> <p>Why</p> <p>This has nothing to do with</p>	<p>① Pad objects such as crib</p> <p>Institute seizure precaution; pad, O<sub>2</sub>, airway equipment</p> <p>② Administer antiepileptic med. Tegretol ordered per MD.</p> <p>③ Educate parents &amp; child regarding appropriate activities</p> <p>④ monitor lab values + therapeutic level</p> <p>⑤ Encourage adequate dietary intake + type food appropriate</p> <p>⑥ Administer O<sub>2</sub> if needed</p>	<p>* See reference at bottom of pg.</p> <p>① helps prevent injury.</p> <p>② Meds decrease the chances of seizure activity.</p> <p>③ if not educated further injury may result.</p> <p>④ indicators of (lab) metabolic disturbances (disrupts test) indicators of bio lesions + neuro dysfunction.</p> <p>⑤ prevents deficiency of required nutrients.</p> <p>⑥ Supplies adequate tissue perfusion.</p>	<p>① Pt ne</p> <p>ing for</p> <p>1:3 shift</p> <p>1-20-07</p> <p>as</p> <p>by no se</p> <p>activity in</p> <p>family</p> <p>best interests</p> <p>pt from</p> <p>You was</p> <p>To protect</p> <p>from</p> <p>Did you pt</p> <p>have any</p> <p>what</p> <p>That in the</p> <p>TH</p>

Reference = ( Nursing Care of Infants & Children 7th Edition Pg 1193 )

ng Diagnosis #2: At Risk for Aspiration R/T motor activity + loss of  
time as Risk for Injury

<p>as a sign of inadequate oxygenation only</p> <p>member to a serious condition</p> <p>liquids only.</p> <p>ion le</p>	<p>① pt will exhibit no signs of aspiration</p> <p>as evidence by tolerating clear liquids well and</p> <p>NO</p>	<p>all these are what to do during seizures</p> <p>① nothing in child's mouth during seizure episode</p> <p>② Loosen clothing</p> <p>③ Position child with head midline; not hyperextended</p> <p>④ turn to side if vomits</p> <p>⑤ put O2 + suction at bedside</p>	<p>* See reference at bottom of page all from:</p> <p>① can cause injury and aspiration.</p> <p>② Restrict movement or breathing</p> <p>③ promotes adequate ventilation.</p> <p>④ prevents aspiration.</p> <p>⑤ for adequate tissue perfusion + keep oral pharynx clear of airway obstruction</p>	<p>Goal in Opt sign signs of aspiration which tolerate clears. with no signs of swallow</p> <p>These</p>
---	---	---	---	--

7-3 hrs.  
mild potential  
that may cause seizure  
What else could  
the nurse do  
to help  
prevent  
seizures

(Wong)

care of infants + children

pg 1693

## Pediatric Assessment Tool (5 Points Total)

Identifying Data	Possible Points	Earned Points
Chief Complaint	0.5	0.5
Present Illness	0.5	0.5
Birth History	0.5	0.5
Previous History	0.5	0.5
Immunizations	0.5	0.5
Growth and Development	0.5	0.5
Assessment	0.5	0.5
Personal/ Social	0.5	0.5
Medication List	0.5	0.5
Narrative Head-to-Toe Assessment Note	1.0	0.75

Pathophysiology (10 points total)	2
Disease process/condition statement	2
Sequelae of disease process/ condition statement	2
Treatment and medication regimens	2
Abnormal lab values & their meanings	2
Abnormal diagnostic test results & their meaning	2
Prioritized Patient Problem List (at least three)	1

The Care Plan (Nursing Diagnoses- at least three with four nursing interventions each) (5.5 point total)	5.5
Subjective Data	0.5
Objective	0.5
Nursing Diagnoses (RT, AEB)	0.5
Patient Goals (include time frames)	0.5
Nursing Interventions (frequency, specifics)	1.0
Rationales	1.0
Implementations	0.5
Evaluation	0.5
References Cited	0.5
The Teaching Plan (two topic areas, get specific)	2.5
Total Points Possible	25

Total Points Earned 50.1

Student Signature

Date

Instructor's Signature Ammon, De Date 3-6-06

\*This form must be stapled to the front of the entire assignment.





May 19, 2006

Chattahoochee Valley Community College  
Attn: Dean of Students  
2602 College Drive  
Phenix City, AL 36869

Dean Hodge,

I would like to take this opportunity to ask for course forgiveness for Nursing 252. After researching the student handbook, I found that it is a student's responsibility to ask for course forgiveness. The student handbook states "if a student repeats a course, the last grade awarded replaces the previous grade earned" (Page 59). I was given the opportunity to take Nursing 200 this past semester to replace Nursing 252 due to the fact this class would not be offered again. Mrs. Dixie Peterson offered this class to me, along with another student, and stated that the grade earned in Nursing 252 would not be held against me. In turn, I have earned an A in Nursing 200. This allowed me to get the credit needed to graduate.

I have since finished the last semester of the Associate Degree of Nursing program. Unfortunately, I earned a D in Pediatric Nursing. I am asking for course forgiveness so that I can participate in a summer class to earn the credit to finish this program.

Sincerely,

*Lindy Wright*  
Lindy Wright



6/29/06 - Course forgiveness not granted.  
There is no repeat of Nul 252,  
the exact same course  
*AA*

*Received  
Friday, May 19  
4:05 PM*



*CONNIE COOPER*

*Attorney at Law*

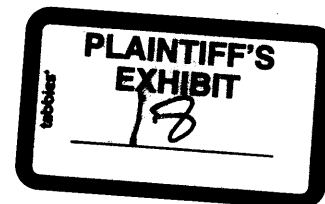
*P.O. Box 3110*

*Phenix City, AL 36868*

*(334) 297-9442*

*Fax: (334) 297-6008*

*June 7, 2006*



Dr. Laurel M. Blackwell  
Chattahoochee Valley Community College  
2602 College Drive  
Phenix City, AL 36869

RE: My client, Lindy Gale Wright

Dear Dr. Blackwell,

I represent Ms. Lindy Gale Wright. I have previously had contact with Dean Lowe regarding problems my client has encountered as a nursing student at the school.

Ms. Wright finished the Associate Degree program this semester. In order to fully inform you of the problems, I will outline what has taken place.

Ms. Wright currently has a GPA of 3.2. She was informed she had failed Nursing 252, medical surgical nursing. Ms. Lynn Harris, instructor, informed Ms. Wright that Nursing 200 would be substituted for the Nursing 252 due to course curriculum changes in the program. Ms. Wright successfully completed this course, obtaining an A grade. Her final semester, summer 2006, she was informed she had failed Pediatric Nursing 272. Ms. Wright obtained copies of her care plans (which comprise a portion of the course grade) from Bridgette Jackson, clinical instructor. I have those care plans which appear to indicate that my client's grades were changed on three occasions. That aside, my client was willing to take re-take Nursing 272 which is being offered this summer in order to graduate. She also turned in a request for course forgiveness. She has attempted to contact Dean Lowe, Ms. Dixie Peterson and Sanquita Alexander in order to be allowed to be placed in Nursing 272. She has had no response from this request. She has been informed by both Dean Lowe and Dixie Peterson that due to the fact

that she failed Nursing 252, she now has two failures and cannot continue in the program. I personally assisted Ms. Wright with what we believed was a successful resolution of the Nursing 252 issue in that the Nursing 200 course would substitute for Nursing 252, as long as Ms. Wright successfully passed Nursing 200. It appears Dean Lowe is now denying that this was the resolution reached by all involved. There would have been no reason for my client to take Nursing 200 unless this would have assisted her to graduate.

My client has personal knowledge that there is a student currently enrolled in Nursing 272, Pediatric Nursing, who previously failed this course and is being allowed to take 272 this summer. My client should be allowed to retake Nursing 272 this summer in order to graduate.

My client has personal knowledge of another student who had two failures in the nursing program and was allowed to graduate.

Additionally, my client has informed me that there were numerous problems within the program which included that the students had no instructor for the first 5 weeks of the second semester, no instructor for clinical on two occasions, instructors were late for class, teachers were unprepared for class, instructors not following their course syllabus and most importantly my client was accused of cheating and this information was relayed to other students in the program. It appears there was constant turmoil in this program.

The only goal my client has is to graduate, sit for the nursing boards and start her career as a nurse. She contracted with your school, paid her tuition and we believed successfully completed the requirements of the nursing program. (She is willing to take Nursing 272 this summer).

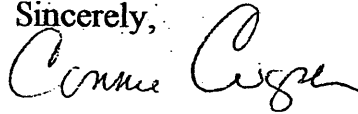
This has been extremely stressful to Ms. Wright who is now in her 8th month of pregnancy. We know of no resolution if the school is unwilling to follow procedure outlined in the student handbook and the agreement reached with Dean Lowe. The only alternative is to file a lawsuit for breach of contract.

We would like to resolve this without litigation but feel that unless a resolution can be had within 7 days, we will be unable to resolve the matter.

Please contact me within 7 days if you feel there is a resolution to this matter.

Thank you for your prompt attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Connie Cooper".

Connie Cooper

cc: James Lowe  
Dixie Peterson

Chattahoochee  
Valley Community College

Laurel M. Blackwell, Ed.D.  
President



June 13, 2006

2502 College Drive  
Phenix City, Alabama 36860  
1-334-291-4984  
1-334-291-4940 (fax)

Ms. Connie Cooper, Esq.  
Attorney at Law  
P.O. Box 3110  
Phenix City, AL 36868

Dear Ms. Cooper:

This letter is in reference to the letter received by Chattahoochee Valley Community College on June 9, 2006 regarding Ms. Lindy Gale Wright.

Ms. Wright was admitted under the Nursing Career Mobility Admission Criteria as listed in the 2004-2005 Chattahoochee Valley Community College Catalog and Student Handbook.

The following responses are based on our established institutional nursing policies published on Page 106 of the 2004-2005 Chattahoochee Valley Community College Catalog and Student Handbook:

**Policy # 11**

Students enrolled in the Nursing Mobility program must earn a "C" or higher in all required courses in the nursing curriculum, in both nursing and non-nursing courses. This includes satisfactory completion of the clinical components of each course. Failure of clinical components results in failure of the course.

- Ms. Wright failed NUR252 in Fall 2005 with an earned grade of "D".
- In Spring 2006, Ms. Wright failed NUR272 with an earned grade of "D".

**Policy # 13**

Nursing courses NUR 252, 271, 272, 279, 291, and 292 may be repeated only once and are to be taken the next semester a course is offered provided space is available. If the student does not pass the nursing course on the second attempt, that student shall be excluded from the nursing program, but not the College. Students who repeat 252, 271, 272, 291, and 292 will be encouraged to successfully complete review packets for each course before retaking.

- NUR252 would not be offered again because of the implementation of the standardized statewide curriculum, so a substitute had to be offered in order for Ms. Wright to be able to repeat the course. As a result, NUR200 was substituted for the course, NUR252, which will no longer be offered.



- However, NUR200 did not take away the failing grade of NUR252; it merely allowed an opportunity for Ms. Wright to repeat a failed course.

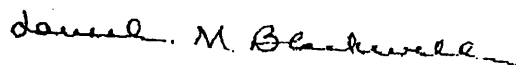
**Policy # 14**

The nursing student must complete the entire nursing program within twenty-four months of the date he/she begins his/her studies in the program or be excluded from the nursing program. If a nursing student fails two different nursing courses within the twenty-four-month period, he/she will be excluded from the program and CANNOT reapply. Exclusion from the nursing program does not constitute exclusion from the College.

- Ms. Wright failed NUR252 in Fall 2005 with an earned grade of "D".
- In Spring 2006, Ms. Wright failed NUR272 with an earned grade of "D".
- Ms. Wright failed two different nursing courses within a twenty-four month period, which results in her exclusion from the program. According to our policy, she will not be allowed to take any further nursing courses at Chattahoochee Valley Community College.

Attached are copies of the policies from the Nursing Career Mobility Criteria Program as listed in the 2004-2005 Catalog. These long-standing policies have guided all the actions taken in regards to Ms. Wright's enrollment at Chattahoochee Valley Community College.

Sincerely,

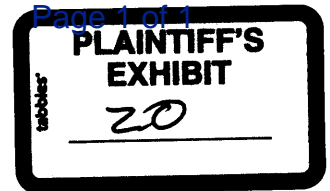


Laurel M. Blackwell, Ed.D.  
President

LJB/LH/hc

cc: Dr. James Lowe  
Dixie Peterson

Chattahoochee  
Valley Community College



June 30, 2006

Lindy Wright  
7716 Boulder Drive  
Columbus, GA 31909

Dear Lindy:

We regret to inform you that your Request for Academic Bankruptcy was not approved for the following reason:

- You've requested course forgiveness for NUR252. Course forgiveness can only be implemented when the same course and course number has been repeated. After researching your records, we found no repeat of NUR252.

Should you have questions concerning this matter, please contact Sanquita Alexander at (334) 291-4996.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David N. Hodge".

David N. Hodge, Ed. D.  
Dean of Student & Administrative Services

SCA

**PLAINTIFF'S  
EXHIBIT**

21

**DEPOSITION OF LAUREL BLACKWELL, Ed.D.**

**July 17, 2007**

**Pages 1 through 106**

**PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.  
566 South Perry Street  
Post Office Box 62  
Montgomery, AL 36104  
Phone: (334) 263-4455  
Fax: (334) 263-9167  
E-mail: haislipragan@charter.net**

July 17, 2007

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 EASTERN DIVISION  
4  
5 LINDY G. WRIGHT,  
6 Plaintiff,  
7 vs. CIVIL ACTION NO.  
8 3:06-CV-1087-WKW  
9 CHATTAHOOCHEE VALLEY  
10 COMMUNITY COLLEGE (CVCC),  
11 et al.,  
12 Defendants.  
13 \*\*\*\*\*  
14  
15 DEPOSITION OF LAUREL BLACKWELL, Ed.D.,  
16 taken pursuant to stipulation and agreement before  
17 Lyn Daugherty, Certified Shorthand Reporter and  
18 Commissioner for the State of Alabama at Large, in  
19 the Law Offices of Parker & Cooley, 1507 Broad  
20 Street, Phenix City, Alabama, on Tuesday, July  
21 17th, 2007, commencing at approximately 10:15 a.m.,  
22 E.D.T.  
23 \*\*\*\*\*

Page 2

1 APPEARANCES  
2 FOR THE PLAINTIFF:  
3 Ms. Jennifer B. Cooley  
4 PARKER & COOLEY  
5 Attorneys at Law  
6 1507 Broad Street  
7 Phenix City, Alabama 36867  
8 Mr. Peter A. Dumbuya  
9 Attorney at Law  
10 P.O. Box 3302  
11 Phenix City, Alabama 36868  
12  
13 FOR THE DEFENDANT:  
14 Mr. H.E. Nix, Jr.  
15 Ms. Brandy F. Price  
16 NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON  
17 Attorneys at Law  
18 4001 Carmichael Road, Suite 300  
19 Montgomery, Alabama 36106  
20  
21 ALSO PRESENT: Ms. Lindy Wright  
22  
23 \*\*\*\*\*

EXAMINATION INDEX

19 LAUREL BLACKWELL, Ed.D.  
20 BY MR. DUMBUYA ..... 6  
21 BY MS. COOLEY ..... 60  
22  
23 (Index continued on next page)

Page 3

EXHIBIT INDEX

MAR

1 Plaintiff

2

3

4 1 Letter dated June 7, 2006 to Dr. Laurel 60  
5 M. Blackwell from Connie Cooper  
6 2 Letter dated June 13, 2006 to Ms. Connie 61  
7 Cooper from Laurel M. Blackwell, Ed.D.  
8  
9 3 Letter dated July 28, 2006 to Dr. Laurel 64  
10 Blackwell from Jennifer Cooley  
11  
12 \*\*\*\*\*  
13  
14  
15  
16  
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23

Page 4

STIPULATIONS

1 It is hereby stipulated and agreed by and  
2 between counsel representing the parties that the  
3 deposition of LAUREL BLACKWELL, Ed.D. is taken  
4 pursuant to the Federal Rules of Civil Procedure  
5 and that said deposition may be taken before Lyn  
6 Daugherty, Certified Shorthand Reporter, and  
7 Commissioner for the State of Alabama at Large,  
8 without the formality of a commission, that  
9 objections to questions other than objections as to  
10 the form of the question need not be made at this  
11 time but may be reserved for a ruling at such time  
12 as the said deposition may be offered in evidence  
13 or used for any other purpose by either party  
14 provided for by the Statute.  
15  
16 It is further stipulated and agreed by and  
17 between counsel representing the parties in this  
18 case that the filing of said deposition is hereby  
19 waived and may be introduced at the trial of this  
20 case or used in any other manner by either party  
21 hereto provided for by the Statute regardless of  
22 the waiving of the filing of the same.  
23 It is further stipulated and agreed by and

July 17, 2007

Page 5

1 between the parties hereto and the witness that the  
2 signature of the witness to this deposition is  
3 hereby waived.

4 \* \* \* \* \*

5 LAUREL BLACKWELL, Ed.D.

6 The witness, after having first been duly sworn  
7 to speak the truth, the whole truth and nothing but  
8 the truth testified as follows:

9 MR. NIX: Peter, let me -- I

10 apologize to you first for  
11 interrupting you. I know you  
12 need to start. But last

13 Friday I mentioned to you the  
14 fact that your wife had worked  
15 at Chattahoochee Valley

16 Community College. And I just  
17 wanted to make sure that, you

18 know, there's not a conflict  
19 or anything like that. And so

20 I mention it again to you and

21 just say that if you -- if you

22 do feel there's a conflict or

23 if you've discussed the case

Page 6

1 with her to the extent that  
2 she's given you any policies  
3 or other things that might not  
4 be policy but that might be  
5 proprietary to the college  
6 that I'd appreciate your just  
7 letting me know if she has at  
8 some point in time.

9 MR. DUMBUYA: No. She has no such

10 information. As a matter of  
11 fact, I did speak with her.

12 She was out of there before  
13 she was enrolled in the

14 program. I think she was only  
15 there for one or two

16 semesters, but she was gone

17 before Ms. Wright was enrolled  
18 in the program. She only met

19 the plaintiff at the

20 St. Francis Hospital. Is that

21 correct? That's where you met  
22 her?

23 MS. WRIGHT: Yes.

Page 7

1 MR. DUMBUYA: But you never knew  
2 her when she was at CVCC?

3 MS. WRIGHT: No.

4 MR. DUMBUYA: I spoke to her and  
5 she said she never --

6 MR. NIX: Okay. Thank you very  
7 much.

8 EXAMINATION

9 BY MR. DUMBUYA:

10 Q. If you would, could you state your name and  
11 address, please.

12 A. My name is Laurel Blackwell. I live at 167  
13 Glenwood Way. And the mailing address is  
14 Smiths Station, Alabama.

15 Q. And how long have you lived at this  
16 address, Dr. Blackwell?

17 A. I moved there in May two years ago.

18 Q. And before you moved to this address two  
19 years ago, what was your previous address?

20 A. I lived in Auburn. Auburn, Alabama. And  
21 my address was 1257 Ingleside -- that's  
22 I-N-G-L-E -- Ingleside Drive.

23 Q. And for how long were you at the address in

Page 8

1 Auburn?

2 A. From 1998 to when we moved here in '05.

3 Q. 2005?

4 A. Uh-huh (positive response).

5 Q. Now, at your current address in Smiths  
6 Station, who lives with you at that  
7 address?

8 A. Just my husband.

9 Q. Your husband?

10 A. Uh-huh (positive response).

11 Q. And your husband has been at this  
12 address -- the current address with you  
13 since 2005; is that correct?

14 A. Correct.

15 Q. Do you have any children living with you at  
16 this address?

17 A. No. Our children are grown.

18 Q. Do any of your children live in Alabama?

19 A. I have two children -- no, three children.

20 One just moved back. I have three children  
21 in Alabama. One in Dothan and two in the  
22 Huntsville area.

23 Q. You said one of them just moved?



<p style="text-align: right;">Page 9</p> <p>1 A. Just moved to the Huntsville area from 2 Miami, Florida. 3 Q. Oh, okay. I thought that he moved in with 4 you. 5 A. No. They just moved back to Alabama from 6 Florida. 7 Q. Dr. Blackwell, how long have you been 8 married to your husband? 9 A. Since 1994. 10 Q. And what is your husband's name? 11 A. Fred A. Blackwell, Jr. 12 Q. Is Mr. Blackwell employed at this time? 13 A. Yes. 14 Q. Who is employing him? 15 A. He works for Michelin. 16 Q. And where is he employed at this time? 17 A. In Opelika. 18 Q. Do you know his responsibilities at 19 Michelin in Opelika? 20 A. He's human resources. He oversees human 21 resources for the facility and governmental 22 affairs. 23 Q. For how long has he been in that position?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Who is your employer? 2 A. I'm employed as the president of 3 Chattahoochee Valley Community College. My 4 contract, though, is through -- from the 5 chancellor's office, so my supervisor is 6 the chancellor of the system. 7 Q. This would be the chancellor of the 8 two-year -- 9 A. Alabama College System. 10 Q. Of the Alabama College Systems? 11 A. (Witness nods head). 12 Q. Would this be the two-year colleges or the 13 four-year colleges? 14 A. Two-year. Public two-year colleges. 15 Q. Who is the current chancellor of the 16 two-year -- 17 A. Bradley Byrne. 18 Q. And where is the chancellor based? 19 A. In Montgomery. 20 Q. When did you become president of CVCC? 21 A. I was appointed July 1st, 2002 as the 22 acting president. In the summer of 2003 I 23 went through a national search and I was</p>
<p style="text-align: right;">Page 10</p> <p>1 A. He went to that position in 1997. 2 Q. As someone in charge of the human 3 resources, what exactly does he do in that 4 position? 5 A. He oversees a variety of things from -- he 6 oversees the hiring. He oversees labor 7 negotiation. He oversees safety. He 8 oversees security, the EMTs. I don't know 9 if I can tell you -- He's the interface 10 with the corporate office for human 11 resources. 12 Q. Has he ever been employed by CVCC, your 13 husband? 14 A. No. 15 Q. Have any of your children ever been 16 employed by CVCC? 17 A. No. 18 Q. Do you currently have any relatives who are 19 employed by CVCC? 20 A. No. 21 Q. Dr. Blackwell, you are currently employed, 22 is that correct? 23 A. That's correct.</p>	<p style="text-align: right;">Page 12</p> <p>1 selected as the permanent president and 2 placed in that position in August of '03. 3 Q. Now, who conducted the national search for 4 the president? 5 A. The chancellor's office. 6 Q. What is your term of employment? Is it 7 five years, 10 years or -- 8 A. It's no end date in our employment. I'm 9 not under contract. I serve at the 10 pleasure of the chancellor and the State 11 Board of Education. 12 Q. As president of CVCC, what are your 13 responsibilities? 14 A. My primary responsibility is to provide 15 direction to the institution and to ensure 16 that policy and procedure established by 17 the State Board of Education and the 18 chancellor are implemented at our local 19 institution. 20 Q. In the last five years -- You've been in 21 this position now since August of 2003; is 22 that correct? 23 A. Permanently, yes.</p>

Page 13	Page 15
<p>1 Q. And you were in the position in July 2002</p> <p>2 in an acting position; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. Before you became acting president of CVCC,</p> <p>5 what other positions did you hold at CVCC?</p> <p>6 A. I worked for two other colleges. I worked</p> <p>7 at Southern Union State Community College</p> <p>8 in Opelika going there in 1998 when I moved</p> <p>9 to that area, to Auburn. And prior to that</p> <p>10 I was at Wallace Community College in</p> <p>11 Dothan. I went there in 1985.</p> <p>12 Q. You went to Southern Union in '98. When</p> <p>13 did you leave?</p> <p>14 A. When I came to CVCC in '02.</p> <p>15 Q. 2003 -- 2002?</p> <p>16 A. '02.</p> <p>17 Q. Which positions did you hold at Southern</p> <p>18 Union?</p> <p>19 A. I was in charge of work force development</p> <p>20 at Southern Union.</p> <p>21 Q. What does that mean, work force</p> <p>22 development?</p> <p>23 A. Preparing the work force. It was a very</p>	<p>1 A. I did some teaching.</p> <p>2 Q. Which courses did you teach?</p> <p>3 A. I did -- I taught a communications class.</p> <p>4 I taught some orientation classes, I</p> <p>5 believe some job search courses.</p> <p>6 Q. And when did you leave Wallace Community</p> <p>7 College?</p> <p>8 A. That's not an easy answer because I worked</p> <p>9 simultaneously for Wallace College and</p> <p>10 Southern Union. I had an overlapping time</p> <p>11 period. So I'll have to think if I can</p> <p>12 come up with that date. Probably --</p> <p>13 Probably February of 2000, although I'm not</p> <p>14 absolutely certain of that. I believe it</p> <p>15 was February of 2000. I believe I had</p> <p>16 about 18 months of overlapping where I</p> <p>17 worked for both institutions, for both</p> <p>18 Wallace and Southern Union.</p> <p>19 Q. Were you employed full-time at Southern as</p> <p>20 well as at Wallace at the same time?</p> <p>21 A. I was employed -- During that overlapping</p> <p>22 time I was employed by Wallace College and</p> <p>23 subcontracted by Southern Union. So I was</p>
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<p>1 external role working with business and</p> <p>2 industry, ensuring that our programs</p> <p>3 aligned with the needs of the region.</p> <p>4 Q. Did you have any teaching positions at</p> <p>5 Southern Union?</p> <p>6 A. I didn't teach at Southern Union, no.</p> <p>7 Q. You said before that you were employed by</p> <p>8 Wallace Community College?</p> <p>9 A. Uh-huh (positive response).</p> <p>10 Q. Where is Wallace based?</p> <p>11 A. In Dothan. Dothan, Alabama.</p> <p>12 Q. And Southern Union is in Opelika; is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And what was your position at Wallace?</p> <p>16 A. I had a number of positions over the years</p> <p>17 I was there. But I went there in 1985, so</p> <p>18 over those years I did grant writing, grant</p> <p>19 implementation, advising, recruiting, some</p> <p>20 teaching. As many years as I was there my</p> <p>21 responsibilities and roles grew and were</p> <p>22 diversified while I was there.</p> <p>23 Q. You said you did some teaching?</p>	<p>1 working half time at Wallace and half time</p> <p>2 at Southern Union.</p> <p>3 Q. And why did you leave Wallace Community</p> <p>4 College?</p> <p>5 A. Because my husband was transferred to</p> <p>6 Opelika.</p> <p>7 Q. And why did you leave Southern Union?</p> <p>8 A. For a promotion to presidency.</p> <p>9 Q. And this would be the presidency at CVCC;</p> <p>10 correct?</p> <p>11 A. That's right.</p> <p>12 Q. Before your promotion to the presidency at</p> <p>13 CVCC, had you held any administrative</p> <p>14 positions?</p> <p>15 A. I had been in administrative roles ever</p> <p>16 since I went into the college system in</p> <p>17 1985. All my jobs were primarily</p> <p>18 administrative. When I taught, I taught</p> <p>19 part-time, Mr. Dumbuya. Most of my roles</p> <p>20 have always been administrative.</p> <p>21 Q. Had you been head of department at Southern</p> <p>22 Union or Wallace?</p> <p>23 A. Yes.</p>

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- 1 Q. Had you been dean?  
 2 A. No, I had not.  
 3 Q. Now, Dr. Blackwell, what is your level of  
 4 education? I'm just going to limit you to  
 5 the college university level. What is your  
 6 highest degree that you have earned?  
 7 A. My highest degree, I have an Ed.D. from the  
 8 University of Alabama. It's in  
 9 administration of higher education.  
 10 Q. And when did you earn your Ed.D.?  
 11 A. 1994.  
 12 Q. Did you specialize or did you take any  
 13 particular courses for you to earn the  
 14 Ed.D.?  
 15 A. Well, the degree was administration of  
 16 higher education, so all of my course work  
 17 was -- all my course work was regarding  
 18 college administration.  
 19 Q. Is there any particular specialty within  
 20 the administration courses?  
 21 A. No.  
 22 Q. It's just general administration?  
 23 A. College administration, yes.

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- 1 Q. And you earned this degree in 1994; is that  
 2 correct?  
 3 A. Correct.  
 4 Q. Did you have to write a dissertation or a  
 5 thesis?  
 6 A. Yes, I did. I wrote a dissertation.  
 7 Q. What was the title or subject of your  
 8 thesis?  
 9 A. My dissertation was student satisfaction in  
 10 a community college setting.  
 11 Q. And after you had earned your Ed.D., who  
 12 was your very first employer?  
 13 A. I was employed at Wallace College during  
 14 that time. The entire time I was working  
 15 on my doctorate I was employed and working  
 16 on my doctorate simultaneously.  
 17 Q. Do you have any other qualifications --  
 18 academic qualifications that --  
 19 A. Well, I have -- if you mean credentials, I  
 20 have an associate degree of arts from  
 21 Cottey College, I have a bachelor of arts  
 22 from the University of Northern Iowa, and I  
 23 have a master's degree from the University

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- 1 of South Florida.  
 2 Q. Have you taken any certificate programs  
 3 since you earned your Ed.D.?  
 4 A. No.  
 5 Q. Any other credentials that you have,  
 6 academic credentials?  
 7 A. No. Much professional development, but not  
 8 academic credentials.  
 9 Q. Do you have any continuing education  
 10 credits or things of that nature?  
 11 A. I've done a great deal of professional  
 12 development and conference attendance, but  
 13 I've never requested CEUs.  
 14 Q. Now, let me ask you, these are general  
 15 questions because this case is based in  
 16 this district of the U.S. District Court.  
 17 Are you a member of any civic  
 18 organizations?  
 19 A. Yes.  
 20 Q. Which ones do you belong to?  
 21 A. I'm a member of the Rotary Club.  
 22 Q. And for how long have you been a member of  
 23 that organization?

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- 1 A. '02.  
 2 Q. What do the Rotaries do generally?  
 3 A. It's a civic organization designed to  
 4 contribute to the community.  
 5 Q. Any particular contributions that you make  
 6 as a member of the organization?  
 7 A. Those contributions are fund-raising to  
 8 help nonprofit entities, that sort of  
 9 thing.  
 10 Q. Is that the only organization -- civic  
 11 organization you belong to?  
 12 A. I belong to Chambers of Commerce and those  
 13 sorts of things that are work-related and I  
 14 have a church affiliation. But as far as  
 15 civic, that's probably the only civic  
 16 organization.  
 17 Q. Which religious organizations do you belong  
 18 to?  
 19 A. We're associated with Epworth United  
 20 Methodist Church here in Phenix City.  
 21 Q. And how long have you been a member of this  
 22 particular church?  
 23 A. I didn't say member. I said we're

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1 associated.  
2 Q. Associated. Okay.  
3 A. Because our membership is still in Dothan.  
4 We've been associated with Epworth since we  
5 moved -- before we moved to this  
6 community. Give me just a moment. January  
7 of '04 was when we affiliated. Prior to  
8 that we were affiliated with First  
9 Methodist Church in Opelika.  
10 Q. Do you belong to any political  
11 organizations?  
12 A. No.  
13 Q. Do you belong, Dr. Blackwell, to any  
14 professional organizations?  
15 A. Uh-huh (positive response). I'm a member  
16 of AEA and NEA, Alabama Education  
17 Association and National Education  
18 Association. I'm a member of the Alabama  
19 Presidents Association. That would be the  
20 college presidents.  
21 Q. Do you make any presentations to these  
22 professional organizations in your capacity  
23 as president?

1 Q. Ever filed for bankruptcy before?  
2 A. No.  
3 Q. Have you given a deposition before,  
4 Dr. Blackwell?  
5 A. Yes.  
6 Q. How many depositions have you given before?  
7 A. I think two.  
8 Q. Were those depositions in connection with  
9 the lawsuit by the employee who was not  
10 given a position?  
11 A. Yes. I'm not sure the other one was,  
12 Mr. Dumbuya. I'm trying to remember. I  
13 can't tell you. If you need that  
14 information, I could check. But I just --  
15 I don't recall any better than that.  
16 Q. Thank you very much.  
17 Dr. Blackwell, you testified a moment  
18 ago that you have been the permanent  
19 president of CVCC since August of 2003; is  
20 that correct?  
21 MR. NIX: Did you say prominent?  
22 MR. DUMBUYA: Permanent.  
23 MR. NIX: Permanent. I'm sorry.

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1 A. No.  
2 Q. Dr. Blackwell, have you ever made any  
3 application for any type of disability  
4 benefit?  
5 A. No.  
6 Q. Have you been sued before?  
7 A. Yes.  
8 Q. In what capacity?  
9 A. In my capacity as president.  
10 Q. And what was -- just generally what was the  
11 nature of that lawsuit?  
12 A. It was an employee who was not selected for  
13 advancement, was not selected for another  
14 position.  
15 Q. Was that the only lawsuit?  
16 A. I think so.  
17 Q. What was the outcome of that lawsuit?  
18 A. Summary judgment in favor of the college.  
19 Q. And when was that lawsuit filed? Do you  
20 remember?  
21 A. '02 or '03. Either '02 or early '03.  
22 Q. Have you sued anyone before, Dr. Blackwell?  
23 A. No.

1 A. Since August of 2003, yes.  
2 Q. Dr. Blackwell, have you had occasion for  
3 the faculty at CVCC to pass any votes --  
4 A. Yes.  
5 Q. -- on your position as president?  
6 A. Yes.  
7 Q. What was the nature of the vote?  
8 A. That was in summer of '05 there was a  
9 no-confidence vote --  
10 Q. This is summer of --  
11 A. -- from the faculty senate.  
12 Q. And why did the faculty senate pass a vote  
13 of no-confidence?  
14 A. Well, I suppose you would have to ask them  
15 that.  
16 Q. But they never explained to you why that  
17 happened?  
18 A. They forwarded that letter to the  
19 chancellor and then the chancellor  
20 interacted with the faculty senate on that  
21 matter.  
22 Q. But the faculty senate never sent you a  
23 copy of that correspondence; am I correct?



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1 A. They hand-carried me the letter that they  
2 had written to Dr. Johnson, and there was  
3 no correspondence between them and me.  
4 Q. Do you have a copy of that correspondence?  
5 A. Yes. It just says simply one sentence, I  
6 believe. We regret to inform you that a  
7 vote of no-confidence was -- something like  
8 that. A one-sentence letter.  
9 Q. Would you make a copy of that available to  
10 us?  
11 A. Certainly.  
12 MR. NIX: You can -- Well, if you  
13 don't mind, Peter, request --  
14 if you want something, request  
15 it through me. I'll be glad  
16 to consider it and either  
17 object to it, produce it or  
18 whatever. But I would like to  
19 pass on anything that is  
20 produced or that is requested.  
21 MR. DUMBUYA: Sure enough.  
22 A. Certainly I'd defer to my counsel.  
23 MR. DUMBUYA: I mean, you can --

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1 we'll make a request  
2 accordingly.  
3 Q. Who makes up the faculty senate at CVCC?  
4 A. It is faculty members that they select.  
5 It's a self-selecting body. It's not an  
6 official part of the college, so I don't  
7 provide any oversight to that. It's a  
8 self-selecting process.  
9 Q. Dr. Blackwell, as part of your  
10 responsibilities as president, do you often  
11 meet with students who have a problem at  
12 CVCC?  
13 A. No, I do not. That would not be something  
14 that I would normally do.  
15 Q. But have you met with any students in the  
16 past, you know, since you've become  
17 president?  
18 A. Upon occasion.  
19 Q. On those occasions in which students came  
20 to you, what was the nature of the  
21 discussions?  
22 MR. NIX: You mean every one?  
23 Q. Any example would suffice of students

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1 coming to your office to talk to you.  
2 MR. NIX: An example? Is that  
3 what you want?  
4 MR. DUMBUYA: Yeah.  
5 A. Well, a student might come to see me from a  
6 range of reasons from they want a letter of  
7 reference to they're unhappy with a faculty  
8 member. But those visits with me from a  
9 student are rare.  
10 Q. Have you ever met with the plaintiff in  
11 this case, Ms. Wright?  
12 A. Yes. Ms. Wright came to see me.  
13 Q. How many times did she come to see you?  
14 A. Only once.  
15 Q. Do you remember when that was?  
16 A. No. Huh-uh (negative response).  
17 Q. Do you remember why she came to see you?  
18 A. Ms. Wright was coming because she was  
19 dissatisfied with a decision that had been  
20 made regarding her attendance at the  
21 college, in the nursing program  
22 specifically.  
23 Q. You say you don't recall when she came to

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1 see you?  
2 A. No. I don't remember which semester it  
3 was, if it was -- if it was at the first  
4 semester where she failed courses or if it  
5 was the second semester when she failed the  
6 courses.  
7 Q. Do you remember any particular course that  
8 she came to talk to you about?  
9 A. No. I don't remember the specifics of our  
10 conversation.  
11 Q. You don't have any recollections of that?  
12 A. No. I do not remember specifics of our  
13 conversation.  
14 Q. Do you have a present recollection of how  
15 that particular issue was resolved when she  
16 came to see you?  
17 MR. NIX: I'm sorry?  
18 Q. What was resolved when Ms. Wright came to  
19 see you?  
20 MR. NIX: If anything.  
21 Q. If anything.  
22 A. Nothing was resolved when Ms. Wright came  
23 to see me.



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1 Q. Dr. Blackwell, do heads of departments  
2 report to your office?  
3 A. No.  
4 Q. Do deans report to your office?  
5 A. Deans report to my office.  
6 Q. And would those reports include any reports  
7 from heads of departments?  
8 A. Let me back up and talk about the  
9 organizational chart, because there are  
10 some exceptions to what I just said. An  
11 organizational chart would look like this;  
12 the State Board of Education, the  
13 chancellor and then me and then my direct  
14 reports that include two deans, and then  
15 the instructional part of the college  
16 reports to the dean of instruction. The  
17 dean of student and administrative services  
18 has another tier of people that report to  
19 him. I have a few reports that are  
20 directors, but -- would you like me to show  
21 you?  
22 Q. Well, all of those reports having to do  
23 with anything --

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1 A. To do with instruction?  
2 Q. -- to do with the instruction of the  
3 nursing program regarding this particular  
4 plaintiff?  
5 MR. NIX: Regarding -- I'm sorry.  
6 You're asking her to describe  
7 for you reports that she would  
8 obtain or that she did obtain  
9 regarding Ms. Wright?  
10 MR. DUMBUYA: No. Generally  
11 whether she did receive  
12 reports from the deans of the  
13 various colleges.  
14 MR. NIX: So this is not  
15 specifically related to --  
16 MR. DUMBUYA: No, not yet. I'm  
17 working my way through.  
18 A. Two deans report to my office, the dean of  
19 instruction and the dean of student and  
20 administrative services. Two deans.  
21 Q. Are those the only two deans you have at  
22 CVCC?  
23 A. The only two deans we have at the college,

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1 yes.  
2 Q. So they report to you?  
3 A. Yes.  
4 Q. Would the deans' report include reports  
5 from the heads of their departments?  
6 A. The heads of the departments report to  
7 those deans, yes. Department chairs report  
8 to the dean, instructional department  
9 chairs, if that's what you're asking.  
10 Q. And then the deans report to you; is that  
11 correct?  
12 A. Yes. Uh-huh (positive response).  
13 Q. Now, in any of those reports since you've  
14 been president, have those reports included  
15 any information about the plaintiff in this  
16 case, Ms. Wright?  
17 MR. NIX: You mean a written  
18 report from a dean?  
19 A. Are you talking about a written report?  
20 Q. Any written reports.  
21 A. No. Not that I -- Not that I have any  
22 recollection of a written report.  
23 Q. But has any of the deans or the heads of

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1 programs or departments ever come to your  
2 office to discuss the plaintiff in this  
3 case?  
4 A. Yes. At the end of fall 2004 --  
5 MR. NIX: We're talking deans now?  
6 Q. Deans or heads of departments or programs.  
7 A. Dean Lowe discussed with me at the end of  
8 fall 2004 that there was a nursing student  
9 that had two failures. That was just by  
10 matter of -- by manner of letting me know  
11 that there was a problem. I don't think I  
12 knew the student's name at that time.  
13 Q. Did Dean Lowe mention the two failures in  
14 terms of course numbers?  
15 A. I doubt it.  
16 Q. So Dean Lowe never mentioned the student's  
17 name; is that correct?  
18 MR. NIX: She did not say that. I  
19 object to the form of the  
20 question in that you seem to  
21 be quoting something that --  
22 MR. DUMBUYA: (Shakes head).  
23 MR. NIX: You're not. Okay.

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1 MR. DUMBUYA: She mentioned that  
2 there was no name given. I'm  
3 just trying to make sure that  
4 I heard what she said. She  
5 mentioned that she didn't  
6 think Dean Lowe mentioned a  
7 name.  
8 Q. Is that correct?  
9 A. I really don't recall something that was in  
10 2004 that at that time didn't have any  
11 particular significance. It was just a  
12 passing notification to me that we had a  
13 nursing student that had failed two  
14 courses.  
15 Q. But the dean never mentioned which two  
16 courses?  
17 A. I wouldn't remember that.  
18 Q. Did any of the heads of departments -- I'm  
19 calling them heads of departments. Is that  
20 how you call them at CVCC?  
21 A. They're department chairs if they're a  
22 faculty member. If it's instruction,  
23 they're a faculty chair.

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1 Q. Department chair?  
2 A. Uh-huh (positive response).  
3 Q. Did any department chairs ever mention the  
4 plaintiff to you?  
5 MR. NIX: You're talking about in  
6 what time frame, Peter?  
7 MR. DUMBUYA: 2004  
8 MR. NIX: And let me just say,  
9 you're not asking her about  
10 discussions she's had with  
11 us --  
12 MR. DUMBUYA: No, no, no.  
13 MR. NIX: -- where there may have  
14 been a department person or  
15 anything like that? You're  
16 talking about just in the  
17 ordinary course of --  
18 MR. DUMBUYA: Department chairs.  
19 MR. NIX: -- ordinary course of  
20 business?  
21 MR. DUMBUYA: Right.  
22 A. I don't think I had any interaction with  
23 the nursing chair at that time.

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1 Q. This is 2004 in the fall semester?  
2 A. Right. At Christmas. As we were finishing  
3 the semester.  
4 MR. NIX: I know y'all are talking  
5 '04, but you know that it's  
6 not '04.  
7 MR. DUMBUYA: I'm sorry?  
8 A. Oh, it's my mistake.  
9 MR. NIX: You know you're talking  
10 '04? It's not -- It's not a  
11 big deal.  
12 A. It's '05.  
13 Q. 2005.  
14 A. Excuse me. It's '05.  
15 Q. In the spring semester of 2006, did Dean  
16 Lowe talk to you again about a student  
17 failing in the nursing program?  
18 A. Yes. Because that's where the graduation  
19 ceremony is. And so if there's a nursing  
20 student that does not make it through the  
21 progression, they'll let me know that  
22 there's someone that's not going to  
23 graduate. I'm the -- I preside over

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1 graduation, so I'll know in that context.  
2 Q. Did Dean Lowe mention any particular names  
3 of students who are not going to graduate?  
4 A. I'm sure he did.  
5 Q. Did he mention the name of the plaintiff,  
6 Lindy Wright, to you on that occasion?  
7 A. I don't know that for certain. I assume  
8 that if a student was not going to qualify  
9 for graduation and I was not going to award  
10 them a credential I would have known the  
11 name. But I don't have any recollection of  
12 that.  
13 Q. Now, who is in charge of -- or who is the  
14 department chair for the nursing program at  
15 CVCC?  
16 A. That's Dixie Peterson.  
17 Q. Do you know how long she has been in that  
18 position?  
19 A. Mrs. Peterson has been a nursing faculty  
20 member for more than 20 years at CVCC. 22  
21 or 23, something like that.  
22 Q. Do you know when she became chair of that  
23 department?

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1 A. It predated me, and I don't know how many  
2 years ago.

3 Q. So she's been there as chair of the  
4 department before you were employed as  
5 president; is that correct?

6 A. Yes. And I believe maybe almost 20 years  
7 as chair, but I really don't know that for  
8 certain.

9 Q. How many faculty members are in that  
10 program since you've been president?

11 MR. NIX: In the nursing program?

12 MR. DUMBUYA: In the nursing  
13 program, yes.

14 A. You want to know full-time?

15 Q. If you can break it down to full-time,  
16 part-time.

17 A. I can't do part-time because I don't hire  
18 the clinical instructors myself.

19 Technically I sign the contract, but

20 Mrs. Peterson selects -- recruits and

21 selects the clinical instructors and

22 part-time instructors, so I couldn't speak  
23 to that. I think we have five full-time

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1 nursing faculty right now and then we use a  
2 number of part-time and clinical  
3 instructors each semester.

4 Q. So your responsibility as president, if I  
5 understand you correctly, is limited to  
6 signing their contracts; is that correct?

7 A. For part-time people?

8 Q. For part-time people.

9 A. Yes. I don't select -- I don't recruit or  
10 select part-time faculty. That's up to the  
11 department chair and the dean to consent --  
12 consents on that. Then I offer the  
13 contract.

14 Q. Since you've been president -- full-time  
15 permanent president of the program -- this  
16 is the nursing program -- has it ever been  
17 placed on probation?

18 A. I don't know if probation is the technical  
19 term, and so I wouldn't want to speak to  
20 whether that's the right term. One  
21 semester one year our board passage scores  
22 were below what the state board required  
23 and so we were in a -- we had a period of

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1 time to rectify that and bring those board  
2 passage rates above the minimum standard.

3 Q. What is the minimum standard on the board  
4 passage rate?

5 A. It's 80 percent at this time. It was  
6 previously 75 percent.

7 Q. Was it 75 percent at the time when you were  
8 hired as a full-time president?

9 A. Yes. Uh-huh (positive response). It's  
10 changed since I've been there.

11 Q. To 80 percent now?

12 A. Uh-huh (positive response).

13 Q. And has the program met the 80 percent  
14 threshold at this time?

15 A. Yes.

16 Q. So it's no longer on probation or whatever  
17 the technical term may be; is that correct?

18 A. No.

19 Q. When was the probationary period for the  
20 nursing program?

21 A. I'm not certain I could answer that,  
22 Mr. Dumbuya. It was a one-year period and  
23 I don't think I can answer that.

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1 Q. Now, Dr. Blackwell, since you've been  
2 president of CVCC, have you been aware of  
3 any problems in terms of faculty in the  
4 nursing program?

5 A. Yes.

6 Q. Any shortages in the number of faculty  
7 required in the program?

8 A. Well, I would not answer yes to that  
9 question. When we've had courses offered,  
10 we've always had adequate faculty. That's  
11 required by the State Board of Education  
12 and also our accrediting agency that we  
13 always have adequate faculty in the  
14 program.

15 Q. What is adequate for the program to  
16 continue to exist? I mean, how many number  
17 of faculty do you need to satisfy the  
18 requirements?

19 MR. NIX: You're talking nursing  
20 program still?

21 MR. DUMBUYA: The nursing program.

22 A. I don't know that there's a number,  
23 Mr. Dumbuya. You have to have people as

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<p style="text-align: right;">Page 41</p> <p>1 required to teach the lecture portion and</p> <p>2 faculty properly credentialed and then you</p> <p>3 have to have the number of faculty required</p> <p>4 to provide the clinical component. There's</p> <p>5 two components and you have to have all</p> <p>6 those courses covered. I do not believe</p> <p>7 there's a specific number that anybody</p> <p>8 requires of us.</p> <p>9 Q. Dr. Blackwell, have you had occasion since</p> <p>10 you became president to visit any of the</p> <p>11 nursing classrooms yourself?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have occasion to visit any of those</p> <p>14 nursing classrooms in which the plaintiff</p> <p>15 was a student?</p> <p>16 A. Yes, I did.</p> <p>17 Q. Do you remember which one you visited?</p> <p>18 A. I know exactly the date. It was August 31,</p> <p>19 2000 and -- make sure I get my year right</p> <p>20 this time -- 6 -- no, 5. August 31, 2005.</p> <p>21 Q. Do you remember the particular nursing</p> <p>22 course that you visited?</p> <p>23 A. No, I do not.</p>	<p style="text-align: right;">Page 43</p> <p>1 of the semester in 2005 -- the fall</p> <p>2 semester in 2005 did these two faculty</p> <p>3 members resign?</p> <p>4 A. I'm sorry. Ask that question again.</p> <p>5 Q. How soon after the fall semester began did</p> <p>6 Ms. Gunnels and Ms. Bellamy resign?</p> <p>7 A. I don't remember what the date was, the</p> <p>8 first date on their contract. The first</p> <p>9 date of classes was August 21st. Normally</p> <p>10 the faculty's contract starts the week</p> <p>11 before that, so I would -- I'm sure a week</p> <p>12 prior to August 21st they went under</p> <p>13 contract with the college for that year,</p> <p>14 for that nine-month period, and they left</p> <p>15 their positions on August 31st.</p> <p>16 Q. Was there any particular reason or reasons</p> <p>17 given for them leaving that you're aware of?</p> <p>18 A. I was notified that they had -- one or both</p> <p>19 had turned in a letter of resignation to HR</p> <p>20 that day. And that was the first notice I</p> <p>21 had that they were leaving and breaking</p> <p>22 their contract.</p> <p>23 Q. Were there any replacements for these two</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. What was the reason for you to visit that</p> <p>2 particular class?</p> <p>3 A. I went to that class with Dean Lowe because</p> <p>4 we had -- we had some problems in the</p> <p>5 department that day and Mrs. Peterson was</p> <p>6 off campus. We could not reach her.</p> <p>7 Normally it would be something</p> <p>8 Mrs. Peterson as department chair would</p> <p>9 have managed, but she was not available</p> <p>10 that day.</p> <p>11 Q. What type of problem was it?</p> <p>12 A. It was my understanding that the faculty</p> <p>13 members were resigning that day. They were</p> <p>14 leaving their positions that they were</p> <p>15 contracted for and the students were</p> <p>16 upset. So I went down with Dean Lowe in</p> <p>17 the absence of Mrs. Peterson to ascertain</p> <p>18 what was happening and to talk with the</p> <p>19 students and to see the faculty.</p> <p>20 Q. Who are the faculty members who were</p> <p>21 resigning on this occasion?</p> <p>22 A. Sandy Gunnels and Brenda Bellamy.</p> <p>23 Q. Approximately how long after the beginning</p>	<p style="text-align: right;">Page 44</p> <p>1 faculty members, Ms. Gunnels and</p> <p>2 Ms. Bellamy?</p> <p>3 A. We immediately began working on that. We</p> <p>4 contacted the chancellor's office. This</p> <p>5 was an anomaly to have faculty leave in the</p> <p>6 midst of a contract. So we contacted the</p> <p>7 chancellor's office because there is a</p> <p>8 director of health programs, for the lack</p> <p>9 of a better word -- I'm not sure that's</p> <p>10 exact title -- but to seek his guidance and</p> <p>11 hers because she oversees the health</p> <p>12 programs throughout the state and the</p> <p>13 system and began working on a resolution.</p> <p>14 She came over immediately to begin helping</p> <p>15 us work toward filling those positions,</p> <p>16 and, in fact, the chancellor told her that</p> <p>17 if she had to teach those classes herself</p> <p>18 that that was to be the resolution. So we</p> <p>19 began immediately to fill those slots.</p> <p>20 Q. How soon were you able to fill those two</p> <p>21 positions?</p> <p>22 A. One of them was filled by September 14th</p> <p>23 and the other was filled September 21st.</p>



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<p>1 Q. In the meantime between the resignations 2 and the replacements, did you have anyone 3 teaching those courses for which these two 4 former faculty members were responsible? 5 A. Well, one of those classes met one time 6 between the time there was a resignation, 7 and that would have been the 7th, because 8 they only met once a week. And the other 9 class met twice, the 7th and the 14th, 10 before there was a replacement. In each 11 case we had a substitute teacher there, as 12 we would always aspire to do when you have 13 a vacancy -- when you have a teacher's 14 absence. Oftentimes classes are canceled 15 when a faculty member is sick or can't be 16 there. In that case we arrange substitutes 17 instead of canceling the class. 18 Q. And did these substitutes attend those 19 classes regularly as scheduled? 20 A. Yes. 21 Q. Whether it's once a week or twice a week -- 22 A. Only once a week. Those classes met on 23 Wednesday. So we had a substitute there on</p>	<p>1 A. She was a part-time employee prior to my 2 arrival for a period of time. And she was 3 a part-time employee some after I arrived 4 and then she was a full-time employee for 5 maybe just one semester. Summer, summer 6 '05. 7 Q. I'm sorry? 8 A. Summer '05. 9 Q. Do you know why Ms. Gunnels left CVCC? 10 A. I do not. 11 Q. Had you ever met with Ms. Gunnels herself? 12 A. The day she was packing her office I went 13 to see her. 14 Q. And was that the very first time you met 15 with her? 16 A. No. I've met with Ms. Gunnels as I offered 17 her employment. Is that what you mean? 18 Yes. Met with Ms. Gunnels well before I 19 offered her employment. In 2002 I met her 20 first when I first was at the college and I 21 interviewed her and met her then. And then 22 I saw Ms. Gunnels off and on during her 23 employment at the college.</p>
Page 46	Page 48
<p>1 the 7th for the one teacher that resigned, 2 and we had a substitute there on the 7th 3 and the 14th for the other teacher that 4 resigned. 5 Q. Were these substitutes also known as guest 6 speakers? 7 A. Yes. I believe that's what Ms. Peterson 8 arranged, yes, guest speakers. 9 Q. And these are people trained in the nursing 10 program? 11 A. I know that they were trained in the area 12 that Mrs. Peterson wanted lectures given 13 on, what she determined was appropriate 14 instruction, and so she arranged those 15 guests to come and provide instruction. 16 Q. Do you have any present recollection of the 17 credentials of these substitutes that were 18 hired? 19 A. No. Because providing substitute teachers 20 would not be something that I would 21 normally be involved in. 22 Q. Do you know for how long Ms. Gunnels was 23 employed at CVCC?</p>	<p>1 Q. You also mentioned that Ms. Brenda Bellamy 2 also resigned? 3 A. Yes. 4 Q. Do you know why she resigned? 5 A. No, I do not. 6 Q. During any of the courses -- 7 A. Let me state I could go back to the 8 personnel file and see if there is a reason 9 in the letters of resignation, but I don't 10 recall that there is anything in the letter 11 of resignation. Excuse me. 12 Q. I was going to ask you about Ms. Bellamy. 13 Do you know for how long she was employed 14 at CVCC? Brenda Bellamy? 15 A. Ms. Bellamy had been employed at the 16 college prior to my arrival and then she 17 and her husband moved to another part of 18 the country. She returned and we rehired 19 her full-time in January of '05. I believe 20 she worked part-time some for the college 21 also. 22 Q. Do you know any of the courses Ms. Gunnels 23 was teaching?</p>



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<p>1 A. No. I really don't assign instruction 2 within the department. That's really what 3 the chair does. So probably I don't know 4 what courses she taught, Mr. Dumbuya. 5 Q. And would the same apply to Ms. Bellamy? 6 A. Uh-huh (positive response). 7 Q. Do you know -- You were here the last time 8 for the deposition of Ms. Wright. There 9 was mention of a Tawanna Cash as an 10 instructor. Do you know who this 11 individual is? 12 A. I do. 13 Q. Was she employed in the nursing program? 14 A. She was. 15 Q. Did you employ her? Was she there before 16 you arrived? 17 A. Ms. Cash was an employee at Southern Union 18 and she served as an interim -- an interim 19 contract with us after the resignations of 20 Mrs. Gunnels and Mrs. Bellamy. 21 Q. Did you know which course she was 22 teaching? Ms. Cash? 23 A. I think she taught 271, but I'm not</p>	<p>1 one of the instructors for Nursing 271? 2 A. Correct. 3 Q. Was it ever brought to your attention by 4 Mrs. Peterson that there was a problem in 5 her class? Ms. Cash? 6 A. No. 7 Q. So you are not aware of the problems 8 relative to the plaintiff in Nursing 271 as 9 mentioned last Friday? 10 A. I do not think I knew anything about any 11 problems with Mrs. Cash's provision of 12 instruction. 13 Q. Now, Dr. Blackwell, you said you met with 14 Ms. Lindy Wright at least once, is that 15 correct? 16 A. Yes. 17 Q. You said -- But you could not give me 18 definite date or time as to when you met 19 her; is that correct? 20 A. No, I cannot. 21 Q. When did you become aware that she was 22 having problems in the nursing program? 23 Ms. Lindy Wright?</p>
Page 50	Page 52
<p>1 certain. 2 Q. Would this be in the fall of 2005? 3 A. That's correct. 4 Q. This would be after the resignation of 5 Ms. Gunnels and Ms. Bellamy; is that 6 correct? 7 A. That's correct. 8 Q. Dr. Blackwell, were you aware of any 9 problems -- at least you sat in on the 10 depositions last Friday. Were you aware of 11 any problems with the course Ms. Cash was 12 teaching in the fall 2005? 13 A. Are you asking if there were problems with 14 Ms. Cash's instruction? 15 Q. With the course itself, yes. 16 A. I don't think I understand that question. 17 Are you asking if there were problems with 18 Ms. Cash's instruction in the course? 19 Q. Yes. 20 MR. NIX: Her instruction to the 21 students? 22 Q. To the students. You sat in on the 23 deposition on Friday. She was mentioned as</p>	<p>1 A. I expect that was at the end of fall 2 semester 2005 when she failed two courses. 3 MR. DUMBUYA: Excuse me for just a 4 minute. 5 (Brief pause.) 6 Q. You said you became aware of the problem. 7 Do you remember which semester it was? 8 A. It would be at the end of fall 2005 when 9 she failed two courses. 10 Q. Which two courses did she fail? 11 A. I don't believe I knew that at the time. I 12 think since then I would understand it was 13 Nursing 252 and Nursing 271. 14 Q. You listened to the deposition on Friday. 15 271 was eventually awarded a grade of C? 16 A. Administratively. 17 Q. Administratively? 18 A. Because Ms. Cash didn't provide a 10-day 19 turnaround on her response about 20 Ms. Wright's grades because she was 21 employed full-time at Southern Union, so 22 she was not under my supervision and 23 direction. We didn't get her response in a</p>

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<p>1 timely manner. So administratively</p> <p>2 Dr. Lowe determined that he should change</p> <p>3 that D to a C since he didn't have</p> <p>4 documentation from Ms. Cash.</p> <p>5 Q. So that was at 271 and 252 in the fall</p> <p>6 semester of 2005; is that correct?</p> <p>7 A. Uh-huh (positive response).</p> <p>8 Q. Were you aware of any other problems in the</p> <p>9 next semester, which would have been spring</p> <p>10 semester of 2006 with Ms. Wright?</p> <p>11 A. I know that in 2006 -- spring of '06 I</p> <p>12 would have learned that she would have</p> <p>13 failed -- that she failed another course,</p> <p>14 272.</p> <p>15 Q. You would have known that in your position</p> <p>16 as president of the college; is that</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Were you aware of any attempts by</p> <p>20 Ms. Wright to ask for grade forgiveness</p> <p>21 regarding Nursing 252?</p> <p>22 A. I think Dean Lowe mentioned that to me in a</p> <p>23 meeting that Ms. Wright was requesting</p>	<p>1 forgiveness.</p> <p>2 Q. It's mentioned variously as course</p> <p>3 forgiveness.</p> <p>4 A. It depends on which dean we're talking</p> <p>5 about.</p> <p>6 MR. NIX: You're looking at --</p> <p>7 Q. This is Dean Hodge. He mentioned course</p> <p>8 forgiveness. And then there is a grade</p> <p>9 appeal form.</p> <p>10 MR. NIX: I got you. So you're</p> <p>11 referring to a file and some</p> <p>12 documents and reading from</p> <p>13 those and then asking about</p> <p>14 the terms in those; correct?</p> <p>15 MR. DUMBUYA: Yeah. Which</p> <p>16 documents were introduced last</p> <p>17 week, Plaintiff's Exhibits --</p> <p>18 especially Defendant's Exhibit</p> <p>19 Number 17, Defendant's Exhibit</p> <p>20 Number 19 and Defendant's</p> <p>21 Exhibit Number 20 there is</p> <p>22 mentioned interchangeably</p> <p>23 grade appeal, course</p>
Page 54	Page 56
<p>1 course forgiveness.</p> <p>2 Q. Was that the extent of your knowledge about</p> <p>3 that process?</p> <p>4 A. In the course forgiveness, yes, I think</p> <p>5 that's all I know.</p> <p>6 MR. NIX: In the what forgiveness?</p> <p>7 A. Course forgiveness.</p> <p>8 MR. NIX: I thought you were</p> <p>9 talking about grade</p> <p>10 forgiveness. Were you asking</p> <p>11 for grade --</p> <p>12 Q. Is it called grade --</p> <p>13 A. Grade forgiveness.</p> <p>14 Q. Grade forgiveness.</p> <p>15 A. Yeah. We need to make sure we're using the</p> <p>16 right terms.</p> <p>17 MR. NIX: Which were you asking</p> <p>18 about? I'm sorry.</p> <p>19 A. Yeah. I'm afraid I might have gotten lost</p> <p>20 too.</p> <p>21 MS. PRICE: Didn't you ask about</p> <p>22 course 252?</p> <p>23 MR. DUMBUYA: 252 was for grade</p>	<p>1 forgiveness.</p> <p>2 MR. NIX: Right. But you don't</p> <p>3 expect even me to remember</p> <p>4 which documents are 17, 18 or</p> <p>5 whatever, do you?</p> <p>6 MR. DUMBUYA: 17 was the letter</p> <p>7 from Ms. Cooper. Those</p> <p>8 documents will be introduced,</p> <p>9 but they've already been</p> <p>10 introduced last --</p> <p>11 MR. NIX: I'm asking, though, you</p> <p>12 don't expect anybody or</p> <p>13 Dr. Blackwell to remember even</p> <p>14 what document is Exhibit 17,</p> <p>15 18 or 19, do you?</p> <p>16 MR. DUMBUYA: Well, we'll mention</p> <p>17 that in a few minutes.</p> <p>18 MR. NIX: I mean, I'm just asking,</p> <p>19 you're not asking her --</p> <p>20 MR. DUMBUYA: I cannot vouch for</p> <p>21 her respectfully.</p> <p>22 MR. NIX: Well, I'm just asking</p> <p>23 you -- I mean, you haven't</p>

<p style="text-align: right;">Page 57</p> <p>1 referred to what the documents 2 are. You said they were 3 introduced by me, which is 4 correct. I did introduce a 5 number of documents during the 6 deposition of Ms. Wright. But 7 what you're doing at this 8 point is simply saying that 9 one of the documents says 10 something about course appeal, 11 one -- or grade appeal, one 12 says course forgiveness. 13 You're not questioning her is 14 what I'm asking you about what 15 Exhibit 17 is or what Exhibit 16 18 is or what the content of 17 those two documents are? 18 MR. DUMBUYA. No. The issue here 19 is whether it is course 20 forgiveness or grade 21 forgiveness. 22 MR. NIX: That's all I wanted to 23 make sure. I just want the</p>	<p style="text-align: right;">Page 59</p> <p>1 Dean Hodge's office. That course process 2 of being able to repeat a course in the 3 nursing program happens with Ms. Peterson 4 and Dr. Lowe would be involved in that 5 process. 6 Q. So these are two different processes? 7 A. Two different processes involving two 8 different deans and neither of which I 9 would have been involved in. They happened 10 at dean level. Appeals happen at the dean 11 level -- the department chair and the dean 12 level. 13 MR. DUMBUYA: Excuse me just a 14 minute. 15 (Brief pause.) 16 MR. DUMBUYA: Mr. Nix, I have to 17 step out for an hour or two. 18 Ms. Cooley is going to 19 continue with the 20 questioning. I have another 21 assignment to take care of at 22 this time. Do you have any 23 problems with that?</p>
<p style="text-align: right;">Page 58</p> <p>1 record to be clear. 2 Q. Again, that's -- I mean, you being the 3 president, but I've seen course forgiveness 4 or grade forgiveness. I didn't know which 5 one -- 6 A. There's -- Now I don't remember what the 7 question was. Can we go back to what the 8 question was? 9 Q. The question was, on Nursing 252 you didn't 10 take part in any of that process in which 11 Ms. Wright was trying to appeal a grade? 12 A. No. That would be done at a dean level. 13 Q. And the same thing would apply for 272. 14 You would have no academic role to play in 15 the grade -- course forgiveness or grade 16 appeal process? 17 A. No. 18 Q. And that would be done by whom? 19 A. You're talking about two different 20 processes, so that's important that we 21 differentiate. 22 Q. Okay. 23 A. A grade forgiveness process is done through</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. NIX: I'm not used to it, but, 2 I mean, I'll try to 3 accommodate you if I can. I 4 mean, what's the -- are you 5 going to come back? Is that 6 what you're saying? 7 MR. DUMBUYA: Yes. We'll come 8 back. I will come back in the 9 afternoon. But I have to run 10 to Fort Valley and then come 11 back. But, yes, I will be 12 here in the afternoon if we 13 still have anything else to 14 do. But Ms. Cooley is going 15 to -- 16 MR. NIX: Let me ask you this. 17 The notice itself established 18 a two-hour window for the 19 deposition. Is that something 20 that you anticipate will be 21 accurate? 22 MS. COOLEY: It will be. We 23 started at 10:20 and so we'll</p>

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1 go -- we can --  
2 MR. DUMBUYA: It's now 11:23.  
3 MR. NIX: That's fine. Peter,  
4 thank you very much.  
5 (Brief recess was taken.)  
6 (Plaintiff's Exhibit 1 was marked  
7 for identification.)  
8 EXAMINATION  
9 BY MS. COOLEY:  
10 Q. This has previously been admitted as  
11 Defendant's Exhibit 17. This would be  
12 Plaintiff's Exhibit Number 1. And you were  
13 present, Dr. Blackwell, during the  
14 deposition. Y'all have copies of it. I've  
15 already made two copies -- two additional  
16 copies, which you already have the copies  
17 again from Friday as well. Do you recall  
18 receiving that letter?  
19 A. I do.  
20 Q. Did you have a response to Ms. Cooper?  
21 A. Yes.  
22 Q. Do you recall just initially or some type  
23 of an overview of what your response back

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1 to Ms. Cooper was?  
2 A. The broad overview of that correspondence  
3 is that it is my belief that we followed  
4 policy and procedure that's established  
5 through our catalog that governs the  
6 nurse's program.  
7 Q. Would this be, in fact, the letter that you  
8 would have sent back to her?  
9 A. That's correct.  
10 (Plaintiff's Exhibit 2 was marked  
11 for identification.)  
12 Q. And that letter was previously marked as  
13 Defendant's Exhibit 19. That's going to be  
14 our Plaintiff's Exhibit 2. And while  
15 you're looking at that letter, were you  
16 present when Lindy Wright was actually told  
17 by Dean Lowe and Dixie Peterson that  
18 Nursing 200 would replace 252?  
19 MR. NIX: Object to the form of  
20 the question.  
21 Q. You can still answer. Were you, in fact,  
22 present during that time that there was a  
23 conversation between Dean Lowe, Dixie

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1 Peterson and Ms. Cooper regarding Lindy  
2 Wright taking 252 to replace -- I'm  
3 sorry -- 200 to replace 252?  
4 A. And Ms. Cooper, I've never met Ms. Cooper.  
5 Q. So you were not present --  
6 MR. NIX: Object to the form.  
7 Q. -- during that conversation?  
8 A. (Witness shakes head).  
9 Q. Were you told of that conversation  
10 subsequently?  
11 A. I knew that there was a proposed  
12 substitution, yes.  
13 Q. Were you aware or unaware that Nursing 252  
14 would not be offered after 2005?  
15 MR. NIX: Aware when? When were  
16 you asking her whether she was  
17 aware?  
18 Q. Were you aware ever?  
19 MR. NIX: Ever?  
20 MS. COOLEY: Ever from 2005 from  
21 that conversation on.  
22 MR. NIX: Which conversation?  
23 MS. COOLEY: Conversation that I

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1 just referenced with Dean  
2 Lowe, Dixie Peterson, Connie  
3 Cooper. She said she was told  
4 subsequently of a  
5 conversation, but she was not  
6 present during the  
7 conversation.  
8 MR. NIX: It's not established  
9 when the conversation took  
10 place. She was told --  
11 Q. From the point of that letter that you sent  
12 back to Ms. Cooper. And you've got the  
13 letter in your hand. So whatever the date  
14 on there is.  
15 MR. NIX: What's the date on that  
16 letter?  
17 A. This is June 13th, 2006 that I responded to  
18 Ms. Cooper.  
19 I knew that 200 was proposed as a  
20 substitute for 252 because of the statewide  
21 common course process.  
22 Q. Thank you.  
23 A. Uh-huh (positive response).



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<p>1 (Plaintiff's Exhibit 3 was marked 2 for identification.) 3 Q. This is Plaintiff's Exhibit Number 3, 4 previously marked as Defendant's Exhibit 5 Number 20. Do you recall receiving that 6 letter from me? 7 A. Yes, I do. 8 Q. And was there any action taken on your part 9 as a result of receiving that letter? 10 A. I asked -- I asked for input from the 11 nursing faculty and Dean Lowe, and 12 ultimately we involved Anthony Joseph as 13 legal counsel to respond. 14 Q. Is Anthony Joseph in any way connected to 15 Tracy Miller? 16 A. Anthony Joseph and Tracy Miller worked in 17 the same law firm, yes. 18 Q. How long were they, in fact, retained by 19 your -- either CVCC or by yourself? 20 MR. NIX: For this purpose? 21 MS. COOLEY: For this purpose. 22 A. I don't think I have an answer to that. I 23 don't think I know that. Sometime after</p>	<p>1 class? 2 A. I do. 3 Q. You obviously were not there as a pupil? 4 A. That's correct. 5 Q. You were there in the capacity as 6 president? 7 A. Yes. 8 Q. Is that normal for a president to come into 9 or visit one of the nursing classes? Is 10 that part of your normal -- 11 A. No. 12 Q. What was the purpose for you being present 13 in either 252 or 271 during the fall of 14 2005? 15 A. I went to the nursing department in the 16 absence of the chair, Mrs. Peterson. Dean 17 Lowe and I went to talk with the students 18 because we understood the students were 19 upset. 20 Q. And when you entered that class, again, 21 either being 252 or 271 in the fall of 22 2005, were you able to speak or address any 23 of the student concerns that day?</p>
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<p>1 the receipt of this letter. That's what 2 initiated the conversation with them. 3 Q. Are they, in fact, retained for purposes of 4 this particular lawsuit? 5 A. No. Because when the college is sued, it 6 becomes a State of Alabama issue and the 7 attorney general becomes involved and so we 8 cannot retain private counsel in that 9 regard. These folks were named by the 10 attorney general's office. 11 Q. And the folks -- you're referring to your 12 legal counsel present with you today? 13 A. Thank you. 14 Q. Were you ever present in Nursing 252 during 15 the fall 2005 class of 252? Were you ever 16 present in that class? 17 A. In fall? 18 Q. Yes, ma'am. 19 A. Yes. Either 252 or 271. I don't know 20 which one it was. 21 Q. But one of those classes -- 22 A. Yes. 23 Q. -- you do recall being present in the</p>	<p>1 A. We listened to the concerns and I remember 2 speaking to -- I'm going to have to say 3 broadly -- their concerns that we would 4 provide instruction -- we were committed to 5 providing instruction to the students -- 6 and that we would make the necessary 7 arrangements to replace their instructors. 8 Q. How long did it take from the time that you 9 and the dean were in that class -- again, 10 whether it was 252 or 271 in the fall of 11 2005 -- from the time that you spoke to 12 those students until the time that a 13 permanent replacement was found for that 14 class? 15 A. One class it was one week and the other 16 class it was two weeks of instruction. 17 Q. Was there ever a period to your knowledge 18 of five weeks of not having an instructor 19 for a class? 20 A. No. That's not so. 21 Q. During the time, whether it was the 22 one-week or two-week period, to your 23 knowledge were any of those temporary</p>



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<p style="text-align: right;">Page 69</p> <p>1 instructors allowed to administer exams to                  2 the nursing students? And if you don't                  3 know, that's fine to say you don't know,                  4 Dr. Blackwell.                  5 A. I would say that would not be something I                  6 would know.                  7 Q. Is that something that you believe Dixie                  8 Peterson would know?                  9 A. Yes. I would assume Mrs. Peterson.                  10 Q. You previously stated that the minimum, I                  11 guess, nursing pass rates for the boards                  12 when you came to the college was 75                  13 percent. Later it sounds like the bar was                  14 raised by the State to be 80 percent.                  15 A. That would be correct.                  16 Q. Do you know approximately what the passage                  17 rate is for the nursing program currently?                  18 A. I know that I looked yesterday for the                  19 class that Ms. Wright was in and it was 81                  20 percent.                  21 Q. Would that be --                  22 A. Or the year that she would have normally                  23 taken board.</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Again, that would not be something I would                  2 normally have a personal participation in.                  3 I do know that we had the nursing board                  4 lead person -- I don't know if her title is                  5 chair or director. I think it's                  6 director -- came and I visited with her.                  7 Mrs. Peterson visited with her. I believe                  8 that was an informal visit, not a formal                  9 visit. But we -- I don't think I can                  10 answer with any more assurance that I'm                  11 saying the -- that I'm recalling the events                  12 properly because I don't remember dates.                  13 Q. Do you feel like the more appropriate                  14 person to answer those specifics regarding                  15 the bar -- not the bar passage rate --                  16 A. Board.                  17 Q. -- but the board passage rate would be                  18 Dixie Peterson?                  19 A. Yes.                  20 Q. Are you aware of the retention rate for the                  21 nursing instructors within the CVCC nursing                  22 program? Are you aware of any type of                  23 retention rate?</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. The 2005 to 2006 pass rate?                  2 A. It's very confusing to start talking about                  3 years because the academic year and the                  4 board year don't span the same time period.                  5 Q. So, for instance, someone could graduate in                  6 2005 in December but not take the boards                  7 until 2006? Would that be an example?                  8 A. Yes. And they don't all have to sit for                  9 the board at the same time. So it's a                  10 little bit confusing, and I would defer to                  11 someone else to explain that.                  12 Q. To your knowledge, though, it was only one                  13 year since you've been president that the                  14 nursing program was on any type of academic                  15 probation, for lack of a better word?                  16 A. And I don't know that that's the right                  17 term. But where we fell below the minimum                  18 standards established by the State Board                  19 of -- by the nursing entity.                  20 Q. What happens in a process such as that as                  21 far as the involvement, if any, from the                  22 State? Do they come in and review records                  23 or speak to instructors?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No. There's not -- That's not something we                  2 would normally compute, a retention rate.                  3 Q. So, for instance, it's not something that                  4 would be brought to your attention that                  5 you've had an employee for 22 or 23 years                  6 within the nursing program as opposed to                  7 someone who may or may not have come in for                  8 eight days, something like that?                  9 A. Could you ask that again?                  10 Q. As far as retention rate, such as an                  11 employee retention rate, for instance, it                  12 sounds like I believe you had said that                  13 Dixie Peterson has been with CVCC for                  14 approximately 22 to 23 years?                  15 A. Uh-huh (positive response).                  16 Q. Is that the norm to have instructors in the                  17 nursing program that long?                  18 A. It is not the norm, because the nursing                  19 field, when you have a master's prepared                  20 requirement for credentialing, is an                  21 extremely competitive environment.                  22 Q. Would you say that your average instructor                  23 in the nursing program stays less than five</p>

<p style="text-align: right;">Page 73</p> <p>1 years?</p> <p>2 A. Yes</p> <p>3 Q. Would you say they stay less than two</p> <p>4 years?</p> <p>5 A. Yes</p> <p>6 Q. Would you say they stay less than one year?</p> <p>7 A. On average?</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. I don't think I can say that. I don't</p> <p>10 think I know that.</p> <p>11 Q. Do you feel like that's a question better</p> <p>12 suited for Dixie Peterson --</p> <p>13 MR. NIX: I object to the form. I</p> <p>14 mean, I --</p> <p>15 Q. -- as far as the knowledge of the retention</p> <p>16 rate for the employees that it sounds like</p> <p>17 Dixie Peterson would be directly</p> <p>18 supervising?</p> <p>19 MR. NIX: I object to the form of</p> <p>20 the question.</p> <p>21 Q. That's fine. You've stated that sounds</p> <p>22 like that's something that's getting a</p> <p>23 little more detailed than what you would</p>	<p style="text-align: right;">Page 75</p> <p>1 A. It's the same.</p> <p>2 Q. So it doesn't matter if they're a nursing</p> <p>3 instructor or if they are --</p> <p>4 A. Or an English instructor.</p> <p>5 Q. All right. Do you know what that base is?</p> <p>6 A. It probably starts around 40,000.</p> <p>7 Q. And you said that for nursing instructors</p> <p>8 that's a highly competitive environment; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. So it sounds like in private industry they</p> <p>12 could make significantly more than 40,000?</p> <p>13 A. Twice as much is what I understand.</p> <p>14 Q. And, again, that's for master's level</p> <p>15 nursing instructors?</p> <p>16 A. Yes. That's correct.</p> <p>17 MR. NIX: Let me object to the</p> <p>18 form of the question. I'm not</p> <p>19 sure she limits that to</p> <p>20 master's level nursing</p> <p>21 instructors. If you're asking</p> <p>22 her how much nurses or</p> <p>23 master's level nurses are paid</p>
<p style="text-align: right;">Page 74</p> <p>1 deal with on a daily basis, if I'm</p> <p>2 understanding correctly?</p> <p>3 A. Or more specifically computing how long an</p> <p>4 employee stays with us.</p> <p>5 Q. But you do agree that there are individuals</p> <p>6 who stay -- it sounds like several of those</p> <p>7 individuals stay less than five and perhaps</p> <p>8 even less than two?</p> <p>9 A. Yes. And that is -- That's not uncommon in</p> <p>10 the system because private industry pays</p> <p>11 nurses more than we pay faculty members.</p> <p>12 Q. Do you know approximately how much an</p> <p>13 individual who would be a nursing</p> <p>14 instructor with a master's level that you</p> <p>15 said -- apparently it sounds like you have</p> <p>16 to have to be employed?</p> <p>17 A. Yes. Oh, to teach the classroom?</p> <p>18 Q. Yes, ma'am. To teach the classroom. Do</p> <p>19 you know just a base salary for someone</p> <p>20 like that who has those credentials, the</p> <p>21 master's level --</p> <p>22 A. In our environment?</p> <p>23 Q. I'm sorry. In the nursing program only.</p>	<p style="text-align: right;">Page 76</p> <p>1 in industry and she said twice</p> <p>2 as much, then I object to the</p> <p>3 characterization that those</p> <p>4 people would be necessarily</p> <p>5 employed as professors in</p> <p>6 nursing somewhere else.</p> <p>7 MS. COOLEY: Okay.</p> <p>8 MR. NIX: I think she --</p> <p>9 A. I didn't mean that.</p> <p>10 Q. But when you said private industry, I</p> <p>11 assumed that to mean working for a private</p> <p>12 company, not necessarily going to teach at</p> <p>13 another institution.</p> <p>14 A. I meant working in a hospital environment.</p> <p>15 Q. That's what I assumed that you meant.</p> <p>16 Thank you.</p> <p>17 Your husband that you married back in I</p> <p>18 believe you said 1994 or '95, does that</p> <p>19 individual -- is he related to or have any</p> <p>20 type of a relationship with the previous</p> <p>21 chancellor, Roy Johnson?</p> <p>22 A. No.</p> <p>23 Q. So he's not related to that individual?</p>

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1 A. No.  
2 Q. Did he ever work with Chancellor Johnson?  
3 A. No. In an employment relationship?  
4 Q. Yes, ma'am.  
5 A. No.  
6 Q. Did they ever -- To your knowledge, did  
7 they ever have -- And, again, I'm referring  
8 to the previous chancellor who would have  
9 been the chancellor during the time that  
10 Ms. Wright was there. Did your husband  
11 ever have a social relationship with that  
12 chancellor?  
13 A. No.  
14 Q. Were they ever members of civic clubs  
15 together?  
16 A. No.  
17 Q. To your knowledge, did they even know one  
18 another?  
19 A. Yes. They knew one another.  
20 Q. How was it that they knew one another?  
21 A. Michelin has a training center at Southern  
22 Union. They have an actual physical  
23 presence at Southern Union. So training is

1 Q. So any employee that comes through -- Would  
2 that also be the case for someone who is a  
3 maintenance person? Would that also be  
4 someone that you would do from the  
5 maintenance person --  
6 A. Yes.  
7 Q. -- all the way to the dean?  
8 A. Yes.  
9 Q. Has there ever been a time that you have  
10 given out or distributed contracts to  
11 faculty members in a nontimely manner from  
12 the time that they would have started a  
13 semester?  
14 A. I think an example might be when we hire  
15 part-time clinical people because they  
16 start after the semester. Sometimes  
17 they're even contracted after the semester  
18 starts and so their contracts might be  
19 created at a different -- in a different  
20 batch. They'd be part-time and they would  
21 just be processed through HR, through the  
22 department chair, the dean and HR in a  
23 different process.

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1 under the umbrella of the  
2 responsibilities -- my husband has a large  
3 umbrella of responsibilities. Training is  
4 something that he would provide oversight  
5 to. He wouldn't directly do that, but he  
6 would have oversight to the training  
7 function, so he knew Dr. Johnson in that  
8 capacity that Michelin had a training  
9 facility that they were in partnership with  
10 Southern Union regarding --  
11 Q. But it wasn't that Dr. Johnson and your  
12 husband worked together on a daily basis?  
13 A. No. Huh-uh (negative response).  
14 Q. You stated previously that while you're not  
15 involved in the academic daily affairs, you  
16 are, however, the individual who signs the  
17 contracts for employment -- is that  
18 correct -- for all of your faculty members?  
19 A. Yes.  
20 Q. Is that also for the individuals who would  
21 be considered your directors or managers?  
22 A. I sign contracts for everybody that works  
23 for the college.

1 Q. So -- And I'm only referring to the nursing  
2 program again. In the nursing program,  
3 would Dixie Peterson be an individual who  
4 would actually be a part of the hiring  
5 selection process?  
6 A. If it was clinical instructors, yes.  
7 Q. Clinical instructors?  
8 A. Right.  
9 Q. Clinical instructors who could also be  
10 considered part-time instructors; is that  
11 correct?  
12 A. That's correct.  
13 Q. So is it possible that someone in the  
14 nursing program -- and I'm not referring,  
15 of course, to the example that you've  
16 already given with 271 and 252. We know  
17 about that one where you had --  
18 A. Uh-huh (positive response).  
19 Q. Are there additional times, to your  
20 knowledge, where a semester would have  
21 started and there would not have been  
22 instructors for the classroom hired at that  
23 point when the semester began for the

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1 nursing program?  
2 A. I don't have any recollection of that  
3 except for the clinical instructors, as I  
4 said. I don't have any recollection of  
5 that.  
6 Q. Would the clinical instructors -- Is that  
7 something that's a common practice, that  
8 you're able to get your clinical  
9 instructors after the semester begins?  
10 Does that happen on a regular or frequent  
11 basis?  
12 A. It's my understanding that because clinical  
13 instruction doesn't start the first day of  
14 classes that those -- the students don't go  
15 directly to the hospital the first day. So  
16 that's why I used that example.  
17 Q. So they have to get classroom training  
18 first prior to doing the clinical  
19 instruction during the semester?  
20 A. You would want to talk to Mrs. Peterson  
21 about how all those classes are arranged.  
22 Q. I will refer to her. Thank you.  
23 Are you aware of or do you know an

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1 individual named Sherry Lifsey,  
2 L-I-F-S-E-Y?  
3 A. S-E-Y. Yes, I do.  
4 Q. And how do you know Ms. Lifsey?  
5 A. She came to work for us at the college as  
6 a -- with a master's degree and came to  
7 work as a faculty member in the nursing  
8 department.  
9 Q. So she was a nursing instructor?  
10 A. Uh-huh (positive response).  
11 Q. Do you know how long Ms. Lifsey was an  
12 employee of CVCC?  
13 A. I don't know. I employed her and I -- and  
14 I would have to look at her personnel file  
15 to tell you how long. I can't tell you  
16 that.  
17 Q. To your knowledge, was Ms. Lifsey employed  
18 as an instructor during the time that  
19 Ms. Wright was a student? And I'm not  
20 referring to when Ms. Wright was a student  
21 the first time. I mean the second time  
22 when she was back for the Nursing Mobility  
23 Program 2005 to 2006.

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1 A. I don't know that. I don't know when she  
2 was contracted.  
3 Q. Do you know or are you familiar with a  
4 secretary at CVCC named Katie Lackey?  
5 A. She wasn't a secretary. I know Katie. I  
6 employed her.  
7 Q. In what capacity is Ms. Lackey employed?  
8 A. Past tense. She's no longer at the  
9 college. Ms. Lackey was employed -- She's  
10 a degreed person. She was hired in a  
11 capacity -- a professional capacity to  
12 provide program coordination and advisement  
13 to students.  
14 Q. Was she, in fact, an adviser to the nursing  
15 students at all?  
16 A. That was what she was employed to do. Her  
17 title, I believe, was health sciences  
18 coordinator slash advisor.  
19 Q. So was she specifically geared toward the  
20 nursing students, then?  
21 A. Her job was only in the nursing department.  
22 Q. Do you know if she would have been present  
23 to take minutes during the individual that

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1 we previously referred to back in -- back  
2 on Friday, Arit Umoh's case?  
3 A. I wouldn't know anything about that.  
4 MR. NIX: I'm sorry. I  
5 apologize. Did Katie Lackey  
6 take minutes during what?  
7 MS. COOLEY: Arit Umoh. And I  
8 might be saying her name  
9 incorrectly, the student we  
10 referred to back on Friday.  
11 But Dr. Blackwell has already  
12 answered she wouldn't have  
13 known that if Katie Lackey  
14 would have been present and  
15 taking minutes during the  
16 grade appeal or the course  
17 forgiveness process with Arit  
18 Umoh.  
19 MR. NIX: You said case and that  
20 kind of threw me a little bit.  
21 MS. COOLEY: And I did say case  
22 and I apologize because I  
23 don't know if there was a



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1 case. All we know is that she  
2 had an attorney. I don't  
3 know.  
4 Q. But, Dr. Blackwell, do you believe if  
5 anyone would know, is it a possibility that  
6 Dixie Peterson perhaps would know that?  
7 MR. NIX: Object to the form.  
8 A. Yes.  
9 Q. Are you familiar with or do you know a  
10 Saquita Alexander?  
11 A. It's Sanquita.  
12 Q. Sanquita?  
13 A. She's an employee of the college.  
14 Q. Is she a current employee of the college?  
15 A. She is.  
16 Q. And in what capacity was Ms. Alexander  
17 employed during 2005-2006?  
18 A. She was in admissions. And I can't tell  
19 you her title because she's had a title  
20 change, so I don't know when that happened.  
21 Q. When you say admissions, is that admissions  
22 for the entire university -- for CVCC?  
23 A. Admissions of record, yes, for the college.

1 testimony has been contrary,  
2 Jennifer, to your definition.  
3 Q. As far as there are -- there is a baseline  
4 of individuals who report to you. I want  
5 to verify that those individuals -- that it  
6 is approximately six individuals who report  
7 to you. And there's the one that I should  
8 have placed right here --  
9 A. That's correct.  
10 Q. -- administrative assistant. So that would  
11 be six individuals who report to you --  
12 A. That's correct.  
13 Q. -- on a -- whether you call it a direct  
14 basis or individuals who, if they had to  
15 say who their supervisor was, they would  
16 say it was Dr. Blackwell; is that correct?  
17 A. That's correct.  
18 Q. Underneath those individuals there are  
19 other employees, whether they're department  
20 heads or managers, who report to them; is  
21 that correct?  
22 A. Yes.  
23 Q. I refer to those as a second line of

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1 Q. So she would not have been specifically the  
2 admissions person or point of contact for  
3 the nursing program?  
4 A. No. She does not oversee admissions for  
5 the nursing program. Admission and records  
6 to the college.  
7 Q. And I just want to verify again how many  
8 individuals report to you. Based on our  
9 previous conversation it looks like you  
10 have five direct reporting people and  
11 perhaps between 15 and 20 indirect  
12 reporting. Is that correct?  
13 MR. NIX: I object to the form of  
14 indirect reporting, to that  
15 term.  
16 Q. And when I say indirect reporting, what  
17 I mean is a second line of command or a  
18 second chain of command. They go through  
19 an additional individual to get to you for  
20 reporting purposes.  
21 MR. NIX: Still object to the  
22 definition of indirect  
23 reporting. I think her

1 command. However it is that you refer to  
2 them I would like to know so that I'm using  
3 the proper definition in the world of  
4 academics.  
5 MR. NIX: Let me tell you about  
6 the basis of my concern about  
7 the definition was is that  
8 if -- it's not related to  
9 academics necessarily. It's  
10 just that it seemed as though  
11 you were saying in your  
12 question that the second line  
13 of people also reported to  
14 Dean Blackwell and I object to  
15 the form. And then you asked  
16 whether they reported to her  
17 through the other people,  
18 which is -- that was the  
19 problem I had with it is the  
20 way that was described.  
21 Q. The individuals who would be individuals  
22 such as four department chairs and  
23 individuals who are referred to as



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<p>1 directors, not referring to the three 2 directors who report to you in a direct 3 line, but directors -- the approximate 10 4 directors slash managers who report 5 directly to the dean of student 6 administration, those individuals, are 7 there reports or any type of communication 8 devices that ever would come directly from 9 them to you without passing through their 10 direct supervisors? 11 A. It would be rare, but there are some 12 occasions. For example, the director of 13 financial aid. And that's dean of student 14 and administrative services. It's two 15 different functions, the dean of students 16 and dean of administrative services. So 17 dean of student and administrative 18 services. For example, federal financial 19 aid is prepared at a director level, but 20 it's millions and millions of dollars. 21 That comes directly to me. She prepares 22 the report for the federal government, 23 comes directly to me and I sign off on it.</p>	<p>1 would have communicated with you directly 2 regarding Lindy Wright during the time that 3 Lindy Wright was a student, 2005 to 2006, 4 where she would have communicated with you 5 and not Dean Lowe or Dean Hodge regarding 6 Lindy Wright's potential failures in 7 classes? 8 MR. NIX: Object to the form. 9 You're talking about before 10 the lawsuit was filed? 11 MS. COOLEY: Yes. Prior to -- 12 Q. And I am in no way asking you to tell me 13 what you've communicated with your legal 14 counsel. I'm referring strictly to any 15 communication -- possible communication 16 that would have occurred between Dixie 17 Peterson and not coming from the dean where 18 Dixie Peterson would have communicated 19 directly with you either by phone, e-mail, 20 letter, memo regarding Lindy Wright between 21 2005, 2006? 22 A. I can't tell you that for certain. 23 MR. NIX: Let me also just</p>
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<p>1 Q. Would it be a natural or ordinary course of 2 business that even though it comes directly 3 to you that -- as you said her, whoever 4 that individual is -- that the dean of 5 student and administrative services is 6 courtesy copied on that report? 7 A. I don't know whether she reviews that with 8 him or not. But normally -- And on the 9 dean of student instruction area, there's 10 10 direct reports under him. Four of them 11 are faculty specific chairs. So there's a 12 line of about 20 individuals that report to 13 the two deans. And normally the reporting 14 structure is directly to the dean. 15 Q. You did say that there are occasions where 16 there might have been information that was 17 passed to you -- directly to you from the 18 department chairs or the directors. And 19 you gave the example of the financial aid 20 report that sounds like it's a federal 21 report that obviously has to be done on an 22 annual basis. Would there ever be a time 23 that you can recollect that Dixie Peterson</p>	<p>1 mention, Jennifer, the fact 2 that Maynard-Cooper was also 3 involved as counsel for the 4 school, you know, at a point 5 in time. I don't know the 6 date or anything. But they 7 were too. But then there were 8 the letters that were sent and 9 that sort of thing, which I 10 think Maynard-Cooper responded 11 to. 12 Q. I am not referring to anything that you 13 would have communicated to your counsel. 14 That is not what I'm asking you. I am only 15 asking if you can recall any correspondence 16 that you would have received in 2005 to 17 2006, not copies to your counsel, that 18 would have been communication from Dixie 19 Peterson to you, either verbal, phone call 20 or in person, an e-mail, a memo or a letter 21 regarding Lindy Wright from Dixie Peterson? 22 MR. NIX: And you're asking just 23 in the normal course of doing</p>

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1 business at the school?

2 MS. COOLEY: Yes, sir.

3 Q. In the normal course of business or maybe  
4 it would be abnormal. I don't know Dixie  
5 Peterson's relationship with you, whether  
6 it would be normal for her to call you on  
7 the phone in your office and say I want to  
8 talk to you about a student.

9 A. That would certainly not be the normal  
10 course of business. And I can't tell you  
11 whether there was a phone call or not  
12 because I simply wouldn't have any reason  
13 to remember that. The normal course of  
14 business is if I had an issue that a  
15 faculty member needed to talk to me about  
16 that we would involve the dean or if a  
17 director needed to talk to me about that  
18 we'd involve the dean. Normally I would  
19 see the dean with their direct report  
20 together if there was an issue that needed  
21 my attention.

22 Q. You've already stated that you recall  
23 meeting with Ms. Wright. You don't know

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1 the date or the time, but you do recall  
2 meeting with her. Which dean was present  
3 during that meeting?

4 A. I believe it was Dean Hodge.

5 Q. Was, in fact, his direct report, Dixie  
6 Peterson, present in that meeting as well?

7 A. No. She doesn't report to Dean Hodge.  
8 She's instruction. It was -- I believe  
9 that I met with Dean Hodge because of the  
10 request for that grade forgiveness process,  
11 because that's the only way that Dean Hodge  
12 would be involved in this issue because  
13 it's an instructional issue. But once you  
14 request the forgiveness process, that  
15 course forgiveness, then that involves the  
16 admissions and student services side of the  
17 college. And Dean Hodge makes the decision  
18 on those matters, so there wouldn't be  
19 somebody else for us to meet with.

20 Q. I guess my next question would be Dean  
21 Hodge, who wouldn't know anything about --  
22 and I'm referring just in general now --  
23 Dean Hodge or whomever the dean of student

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1 and administrative services, he would be  
2 making decisions based on a student's  
3 course forgiveness or grade forgiveness  
4 without knowing anything about that  
5 person's academic background?

6 A. It's an administrative function to do  
7 course forgiveness. And we can look at it  
8 in the catalog if you'd like to. Course  
9 forgiveness is not an instructional issue.  
10 It's a transcript issue. It's exclusively  
11 admissions and record transcript issue and  
12 doesn't have anything to do with  
13 instruction.

14 Q. What additional information would Dean  
15 Hodge or whomever is in that capacity of  
16 making the decision for course forgiveness  
17 or grade forgiveness, what additional  
18 information would they need without knowing  
19 the student or knowing their academic  
20 background to make a decision?

21 MR. NIX: Let me object to the  
22 form again.

23 A. I'll do the best I can to explain the

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1 function that somebody else supervises.

2 Q. Sure.

3 A. The college provides a way for a student to  
4 get a grade off -- off their GPA by letting  
5 them when they failed a course retake the  
6 course. And when they've retaken the  
7 course, then we -- and they request that we  
8 initiate grade forgiveness for them. The  
9 student has to initiate it. Then we remove  
10 their original grade from their GPA  
11 computation. It's simply a way for  
12 students to improve their GPA when they've  
13 retaken a course.

14 Q. Is there a process to your knowledge if --  
15 if the same course is offered but it's  
16 given a different number, how would someone  
17 who is in the capacity of a dean of student  
18 and administrative services be made aware  
19 of that if that's something that occurs in  
20 the classroom as far as the level of  
21 instruction that's given if it's the same  
22 course content if they are only looking at  
23 numbers?

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1 A. That is such an anomaly that it's hard to  
2 describe. I'm not sure that that's -- I'm  
3 not sure that that's happened in any other  
4 time since I've been at the college to my  
5 knowledge where we've given a course a  
6 different number to retake it, because we  
7 have a common course directory that comes  
8 out of Montgomery out of postsecondary, and  
9 these are the courses that the two-year  
10 college system is allowed to teach. And  
11 when 252 was removed and 200 was  
12 substituted, that was the greatest of  
13 unusual circumstances. At least it's never  
14 risen to the level of my awareness in the  
15 five years I've been there.  
16 Q. Do you just know by -- because it doesn't  
17 seem anyone knows why that occurred from  
18 252 to 200. And if you don't know, that's  
19 fine to say that.  
20 A. I do know.  
21 Q. Okay.  
22 MR. NIX: Excuse me. Let me  
23 object to the statement that

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1 you made it doesn't seem that  
2 anyone knows why 252 and 200  
3 are those numbers. I think  
4 there are a lot of people who  
5 know. But I just object to  
6 the form.  
7 A. I'll answer that to the best of my ability,  
8 but Mrs. Peterson is the expert there. The  
9 State developed a common nursing  
10 curriculum. And I told you there's a  
11 common course guide at the State level.  
12 All those old nursing course numbers went  
13 away and we now have a new course sequence  
14 that every school in the system teaches.  
15 So there is no longer a 252 available. So  
16 to allow a student to retake 252 we had to  
17 assign -- this is my understanding from  
18 Mrs. Peterson and Dean Lowe -- we had to  
19 assign a number that was available to  
20 retake the course, and so we used 200 and  
21 taught the content of 252.  
22 Q. Okay. Are you and Mrs. Peterson related in  
23 any capacity?

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1 A. No.  
2 Q. Did y'all work together in any capacity  
3 prior to you being employed as the  
4 president of CVCC?  
5 A. No.  
6 Q. Did you have any knowledge or even know  
7 Dixie Peterson prior to coming to CVCC?  
8 A. No.  
9 Q. Ms. Peterson reports to the dean of  
10 instruction; is that correct?  
11 A. That's correct.  
12 Q. Would you say that you have frequent or  
13 infrequent contact with Dixie Peterson?  
14 MR. NIX: Lately? Since this  
15 lawsuit was filed? Since  
16 these letters started coming  
17 in?  
18 Q. Let me backtrack. I am not referring to  
19 currently. Would you state that in 2005  
20 and 2006 that you had frequent or  
21 infrequent contact with Dixie Peterson? So  
22 that would have been approximately a year  
23 ago.

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1 A. I would say we have a faculty of 35  
2 people. I don't have infrequent contact  
3 with any faculty member with such a small  
4 faculty.  
5 Q. Are you and Dixie Peterson in any civic  
6 organizations together?  
7 A. Rotary.  
8 Q. And does Rotary meet every Monday?  
9 A. It does.  
10 Q. At lunchtime --  
11 A. Yes.  
12 Q. -- at the Senior Activity Center?  
13 A. It's not the right name, but ...  
14 Q. Are there any additional organizations that  
15 you and Dixie Peterson are enrolled in  
16 together?  
17 A. No.  
18 Q. So she does not attend the church you're  
19 affiliated with currently?  
20 A. No.  
21 Q. She does not -- She's not involved in any  
22 of the additional organizations you stated  
23 you're involved in?

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1 A. I have no personal relationship with  
2 Mrs. Peterson.  
3 Q. You've already stated that you do recall  
4 receiving a vote of no-confidence from the  
5 faculty senate of CVCC in 2005; is that  
6 correct?  
7 A. That's correct.  
8 Q. And then in that you've also stated that  
9 you did not see or hear of any of the  
10 comments made. You simply received a  
11 letter that stated that you had received a  
12 vote of no-confidence; is that correct?  
13 A. That's what I received.  
14 Q. Do you recall ever receiving an e-mail that  
15 was sent out to all of the CVCC faculty and  
16 staff requesting feedback to begin the  
17 process of receiving information from  
18 faculty and staff regarding the leadership  
19 at CVCC?  
20 A. I don't think that was the way it was  
21 phrased. I knew that that survey was being  
22 taken, but it was being taken in such a  
23 positive way what was communicated, ways to

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1 Q. Is it a secret body or is it something  
2 that --  
3 A. It's not secret, but it's nothing that  
4 involves the administration of the college.  
5 Q. Are you aware or unaware if Dixie Peterson  
6 would have been on the senate during that  
7 time?  
8 A. I believe Ms. Peterson has a permanent seat  
9 on that -- it appears permanent because she  
10 represents the nursing program.  
11 Q. So they're elected it sounds like, but  
12 additionally are they automatically on it  
13 if they are a department chair or they  
14 represent --  
15 A. I believe that they have -- I believe they  
16 have representation from the different  
17 academic areas in the college, but, no, not  
18 chairs. And probably -- that extends  
19 probably about as far as I know about the  
20 faculty senate. If you have other  
21 questions, I'll try. Again, it's not  
22 something I normally have any contact with,  
23 other than I do meet with them on a regular

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1 grow the institution or improve the  
2 institution, that I had -- I did not have  
3 any reservations about the process  
4 happening.  
5 Q. But you were given a copy of that or you  
6 did receive an e-mail copy of that to your  
7 knowledge?  
8 MR. NIX: Do you know?  
9 A. I don't know.  
10 Q. And that's fine if you don't know.  
11 A. I don't know.  
12 Q. You've also stated previously that you  
13 believe that the faculty senate is a body  
14 where they are -- apparently they elect  
15 themselves among themselves; is that  
16 correct?  
17 A. That's correct.  
18 Q. Are you aware of any of the members who  
19 would have been on the senate during the  
20 2005 time that that vote of no-confidence  
21 came to be?  
22 A. I know who the president was at that time  
23 was Anne Messner.

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1 basis. It's just not something that I have  
2 anything to do with the formation of that  
3 group.  
4 Q. How often would you say that you met with  
5 them in 2005?  
6 A. I did not. In recent months I meet monthly  
7 with the president and the vice president  
8 of the faculty senate.  
9 Q. And you said in recent months. How recent  
10 would you say that you have begun those  
11 meetings with them?  
12 A. I don't know. Six to eight months ago. I  
13 meet with three groups on a monthly basis  
14 to ensure that we are moving communication  
15 effectively; president and vice president  
16 of the faculty senate, AEA and ESP. And  
17 those are also elected bodies on campus.  
18 Q. Is ESP in any way connected to the nursing  
19 program?  
20 A. No.  
21 Q. AEA connected to --  
22 A. No, they're not. They're education, AEA.  
23 MS. COOLEY: Thank you,

Deposition of Laurel Blackwell, Ed.D.

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1 Dr. Blackwell. We're  
2 finished.  
3 (Deposition was concluded at  
4 approximately 12:15 p.m., E.D.T.)

5 \*\*\*\*\*  
6  
7 FURTHER DEPONENT SAITH NOT  
8 \*\*\*\*\*  
9

10 REPORTER'S CERTIFICATE  
11 STATE OF ALABAMA:  
12 MONTGOMERY COUNTY:  
13 I, Lyn Daugherty, Certified Shorthand  
14 Reporter and Commissioner for the State of Alabama  
15 at Large, do hereby certify that I reported the  
16 deposition of:  
17 LAUREL BLACKWELL, Ed.D.  
18 who was duly sworn by me to speak the truth, the  
19 whole truth and nothing but the truth, in the  
20 matter of:  
21 LINDY G. WRIGHT,  
22 Plaintiff,  
23 vs.

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1 CHATTAHOOCHEE VALLEY COMMUNITY  
2 COLLEGE (CVCC), et al.,  
3 Defendants.  
4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE MIDDLE DISTRICT OF ALABAMA  
6 EASTERN DIVISION  
7 Civil Action No. 3:06-CV-1087-WKW  
8 on Tuesday, July 17th, 2007.

9 The foregoing 105 computer-printed pages  
10 contain a true and correct transcript of the  
11 examination of said witness by counsel for the  
12 parties set out herein. The reading and signing is  
13 hereby waived.

14 I further certify that I am neither of kin  
15 nor of counsel to the parties to said cause nor in  
16 any manner interested in the results thereof.

17 This 23rd day of July 2007.  
18  
19  
20

21 \_\_\_\_\_  
22 Lyn Daugherty,  
23 Certified Shorthand Reporter  
And Commissioner for the  
State of Alabama at Large



1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
OPELIKA DIVISION

**PLAINTIFF'S  
EXHIBIT**  
22

LINDY WRIGHT,  
Plaintiff,  
vs.  
CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE,  
Defendant.

ORIGINAL

Oral Deposition of **MS. SANDRA GUNNELS**, Witness,  
called by the Plaintiff, before Courtney Tillman Peters,  
Certified Court Reporter and Notary Public for the State  
of Alabama, taken at the law offices of Parker & Cooley,  
1507 Broad Street, Phenix City, Alabama 36867 on the 1st  
day of November, 2006, commencing at 8:35 a.m. EST.

**COURTNEY TILLMAN PETERS**  
Certified in Alabama & Georgia  
**CAUSEY & PETERSON CERTIFIED COURT REPORTERS**  
Post Office Box 81  
Columbus, Georgia 31902  
(706) 317-3111

APPEARANCES OF COUNSEL

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DR. PETER A. DUMBUYA  
 Attorney at Law  
 Post Office Box 3302  
 Phenix City, Alabama 36868

INDEX TO EXAMINATIONS

<u>WITNESS/ATTY</u>	<u>EXAM</u>	<u>REEXAM</u>
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<u>INDEX NO.</u>	<u>PAGE</u>
There were no exhibits marked for identification.	

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between counsel appearing for the respective parties that:

1) The oral deposition of **MS. SANDRA GUNNELS**, Witness, called by the Plaintiff, taken before Courtney Tillman Peters, Certified Court Reporter and Notary Public for the State of Alabama, at 1507 Broad Street, Phenix City, Alabama 36867 commencing at 8:35 a.m. EST, on the 1st of November, 2006;

2) ALL FORMALITIES with reference to notice of taking, notice of time and place of taking, qualifications of the Court Reporter, and all other matters precedent to the taking of depositions are WAIVED;

3) ALL OBJECTIONS, EXCEPT as to the form of the question and responsiveness of the answer, are RESERVED to the time of the hearing of the case;

4) ALL FORMALITIES with reference to the filing of depositions, including notice of filing, etc., are WAIVED;

5) With the consent of deponent, the reading and signing of the deposition by deponent is WAIVED;

-----

1 WHEREUPON, the deposition of Ms. Sandra Gunnels,  
2 beginning at 8:35 a.m. EST, occurred as follows:

3 MS. SANDRA GUNNELS

4 having been first duly sworn, testified upon examination,  
5 as follows:

6 EXAMINATION

7 BY MS. COOLEY:

8 Q. Please state your name.

9 A. Sandra Jean Gunnels, G-U-N-N-E-L-S.

10 Q. And, Ms. Gunnels, where do you reside?

11 A. 11107 Rambling, R-A-M-B-L-I-N-G, Trail, Midland,  
12 Georgia 31820.

13 Q. And where are you currently employed?

14 A. Columbus Technical college.

15 Q. Prior to -- prior to being employed at Columbus  
16 Technical -- if you can just hold on for a moment.

17 (Off-the-record discussion.)

18 Q. (BY MS. COOLEY) Prior to being employed at  
19 Columbus Technical College, where were you previously  
20 employed?

21 A. Chattahoochee Valley Community College.

22 Q. And how long were you employed at CVCC?

23 A. Between my part-time employment and full-time  
24 employment, approximately five years, six years, five  
25 years.

1 Q. And do you know the dates of that term of  
2 employment?

3 A. I can give you a guesstimate, but I can get the  
4 exact from my resume. August of 2001 to August, September  
5 of 2005. So four years.

6 Q. During the time that you were employed at CVCC,  
7 what were your roles or in what capacity were you  
8 employed?

9 A. When I worked part-time for them at the  
10 beginning, I was a clinical instructor, which meant I took  
11 students to the hospital and monitored their clinical  
12 practice, actually taking care of patients, giving  
13 injections, starting IVs, that type of thing. At some  
14 point in time, I was employed for them -- and I don't know  
15 the exact date -- they didn't have enough instructors and  
16 asked me would I start lecturing. And so I began doing  
17 part-time lectures, then really full-time lectures for  
18 them even when I was employed full-time by St. Francis.  
19 And Christmas of 2005 I was -- had resigned my position at  
20 St. Francis Hospital and sought full-time employment at  
21 CVCC.

22 Q. And when you were full-time at CVCC after you  
23 resigned at St. Francis, were you a full-time lecturing  
24 instructor or clinical instructor?

25 A. Primarily lecturing, did both. But it requires a



1 master's degree in nursing to lecture, and primarily I  
2 lectured because I have a master's in nursing and then  
3 what we call adjunct faculty, those with bachelors degrees  
4 according to the State Board of Nursing can do the  
5 clinical portion of the course. And so adjunct  
6 instructors would do the clinical portion, actually going  
7 to the hospitals with groups of students.

8 Q. You stated that you have a master's in nursing.  
9 What additional qualifications do you have to put yourself  
10 in this type of position?

11 A. Well, I have a masters in nursing from Florida  
12 State University. I have a bachelor's in nursing from the  
13 University of South Alabama. I have an associate degree  
14 in nursing from Columbus -- what was then College, now  
15 Columbus State University. I have been a nurse for 34  
16 years. I have taught for approximately off and on 10 of  
17 those years and for various institutions. My husband's  
18 retired military, we moved around quite a bit until we  
19 came back to Columbus.

20 Q. During the time that you were employed at CVCC,  
21 which would have been the years approximately 2001 to  
22 2005, did you ever have reason to know a student by the  
23 name of Lindy Wright?

24 A. Yes, I did. She was a student in the LPN program  
25 who consequently went to work at St. Francis Hospital

1 while I was employed there full-time, so I knew her in a  
2 professional capacity. And then she came back to the ADN  
3 program to acquire her ADN degree as an RN.

4 Q. When you say ADN degree, is that an additional  
5 degree on top of the LPN degree?

6 A. Right. There's several different categories of  
7 nursing. LPN is a licensed practical nurse, requires  
8 approximately one year of education. And the board of  
9 each state delineates what practice items an LPN can do.  
10 For a ADN, it's typically a two-year program. So what  
11 CVCC has is what's called a bridge program, one year for  
12 LPN, one year for the second half of an associate degree  
13 program. And so at the end of an additional year of  
14 education, an associate degree, you then can sit for the  
15 registered nurse professional board, which an RN has many  
16 more duties, responsibilities, privileges, and a higher  
17 salary.

18 Q. During the time that you knew Ms. Wright at St.  
19 Francis, was that also at the same time, did you, in fact,  
20 become her instructor? I apologize if that question is  
21 confusing.

22 A. I was her instructor first. On graduation, she  
23 came to work at St. Francis, and so I worked not really  
24 alongside her because I was director of case management  
25 but I was up on the floor a lot, saw her, had known her

1 from school, et cetera, and just continued the  
2 relationship.

3 Q. During the time that she went back to school for  
4 her ADN degree, were you her instructor during that time  
5 as well?

6 A. I was her instructor for one quarter or one  
7 semester because that is -- at the end of that quarter was  
8 at when I left CVCC.

9 Q. During the time that you were there when Ms.  
10 Wright was pursuing her ADN degree during that quarter or  
11 semester that you were there, were you, in fact, her  
12 direct instructor?

13 A. Yes.

14 Q. For what class?

15 A. I taught her pharmacology class and her health  
16 assessment, physical assessment class.

17 Q. What type of student was she in those classes?

18 A. She was a -- book-wise, an average student;  
19 clinical hands on, an above average student.

20 Q. Are you able to recall, if any, what types of  
21 grades she received in either one of those classes?

22 A. I believe she made a C in one and a B in the  
23 other, but I would have to go back and look.

24 Q. That's fine.

25 A. I have 40, you know, students per class.

1 Q. Right. Certainly.

2 A. Trying to remember. I do know she passed. She  
3 struggled a little bit with some of the academics, but  
4 passed the test. And I believe it was a B and a C is what  
5 she got from me.

6 Q. And I just want to make sure I'm understanding  
7 too. When you say in regards to her clinical ability, you  
8 are saying that she is above average from what you  
9 observed from her clinical abilities?

10 A. Yes. From what I observed, she was above  
11 average, very proficient. The health assessment course  
12 had a hands-on component. And at CVCC the RNs or ADNs  
13 typically have nursing classes one day a week, and so in  
14 that program I would interact with the students pretty  
15 much from 8:00 in the morning till 5:00 p.m. every  
16 Wednesday was our class day. And so you really, you know,  
17 get to know people, spending time in labs, check offs.  
18 It's not just a large classroom, I lecture, they soak up,  
19 take tests, and leave. It's we're interacting, discussing  
20 situations because these are LPNs who have been out in the  
21 practice world, so they're contributing experiences and  
22 things that they have -- they have come across and how  
23 they handled those things and questioning, so it's a very  
24 interactive environment.

25 Q. When you were at CVCC, who did you directly

1 report to?

2 A. Dixie Peterson who was the department -- I  
3 believe she's called the department chair, Chair of Health  
4 Sciences.

5 Q. Was there ever a time that you can recall where  
6 you would have had a conversation with Ms. Peterson  
7 specifically regarding Ms. Lindy Wright?

8 A. Yes.

9 Q. Do you recall that conversation?

10 A. Yes, I do.

11 Q. And can you elaborate on what went on in that  
12 discussion?

13 A. Yes. This -- it's hard to say verbatim with it  
14 having been a time period but the gist of the conversation  
15 was Ms. Peterson came into the faculty offices and as I  
16 recall Ms. Brenda Bellamy was present and potentially  
17 Debra Grouper. We had offices and Ms. Peterson was kind  
18 of going back and forth and in between. And she had come  
19 by and asked was anyone going to fail. And we said, no.  
20 And I believe it was Ms. Bellamy said that Lindy had been  
21 close in her course but that she had -- her grades had  
22 come up at the end and she had made a C. And Ms. Peterson  
23 made a statement to the effect of y'all need to flunk her,  
24 she does not need to pass, she is weak, she's not going to  
25 pass boards, y'all need to flunk her.



1 Q. And do you recall that conversation being some  
2 time close to either a testing period or a --

3 A. It was at the end of the summer semester because  
4 we were averaging grades.

5 Q. Okay. Is it a regular course, I guess, of  
6 conversation for Ms. Peterson, the director of the  
7 program, to come and ask all of the instructors is anyone  
8 going to fail?

9 A. That's very normal and that's her responsibility.  
10 She needs to know because in nursing if they flunk a  
11 course, you know, they have an opportunity to come back.  
12 When -- how I was taught and how I handled my classes was  
13 the fact that -- and Ms. Bellamy did the same thing -- was  
14 that if we thought someone was not going to pass or there  
15 was -- they were close or, in fact, did not pass, then we  
16 went back over every test, every piece of paper, met with  
17 Ms. Peterson, told her who was not going to pass. And she  
18 was kind of coming in for a preliminary report of, you  
19 know, y'all have done the first calculation, is there  
20 anybody we're going to look at closer-type thing. And we  
21 said, no, everybody passed and that Lindy was close.

22 Q. So this was apparently a regular course of  
23 conduct for Ms. Peterson to come in at grading period  
24 times to do an initial assessment with all the instructors  
25 and say is anyone on the line or is anyone absolutely not

1 going to pass?

2 A. Yes. Well, in my experience, she had come to me  
3 when I been teaching there and then this was the first  
4 time I ever had an office. So that Ms. Bellamy and I, she  
5 came in and addressed us together because our offices  
6 were -- cubicles were next to each other.

7 Q. But during the time that you were there, which  
8 was approximately four almost five years, this was a  
9 regular course of conduct for her to come and ask, okay,  
10 who's looking like they're close on the line or who  
11 possibly will fail?

12 A. Yes.

13 Q. And if I'm understanding you correctly, she came  
14 to you while other instructors were there and said, is  
15 anyone close, does anyone look like they're going to fail?  
16 And everyone said, no one is going to fail, there was one  
17 that was close but she did not fail; is that correct?

18 A. That's correct. There was actually more than one  
19 that was close but ...

20 Q. But that's the student that you --

21 A. Right.

22 Q. Okay.

23 A. Lindy and then there were one or two others that  
24 were a little shaky there too, and particularly in med  
25 surge.

1 Q. But I just want to understand if -- make sure  
2 that I don't want to say anything that you haven't said.

3 A. Yeah.

4 Q. Was that Lindy's name was mentioned, but it was  
5 not that she had failed a course, it was that she had been  
6 close but, in fact, she had passed the course already?

7 A. Yes.

8 Q. And at that point, Ms. Peterson addressed all the  
9 instructors who were there. And the ones that you recall  
10 were you, instructor Bellamy --

11 A. And potentially instructor Grouper.

12 Q. Okay. And that's because y'all are all on the  
13 same vicinity?

14 A. Right.

15 Q. And said -- and she said, and I quote, y'all need  
16 to fail her, she is weak, she will not pass the boards?

17 A. Right. Words to that affect. I can't say that  
18 those are the exact words, but that was definitely the  
19 gist of the message and what she was communicating to me  
20 and to the other instructor, yes.

21 Q. When you heard that or when the other instructors  
22 heard that, was there any conversation following up on  
23 that?

24 A. Ms. Bellamy and I both said words to the effect  
25 that sometimes it took Lindy a little longer or, you know,

1 she had struggled with some of the textbook concepts but  
2 once she got it, she got it and that she was very good  
3 clinically and that we felt good about her passing and  
4 continuing on.

5 Q. To also pass the board; is that correct?

6 A. Right.

7 Q. Okay. Just a moment, please. Was there a  
8 specific course that Ms. Peterson said that Lindy needed  
9 to be failed in?

10 A. No. It was a general statement, and I perceived  
11 it not as -- and I know she would not have done, asking us  
12 to go back and change grades that Lindy had made but the  
13 assumption at that point in time was Ms. Bellamy and I  
14 would be returning for the fall semester and we would both  
15 have Lindy again as a student, myself in obstetrics, Ms.  
16 Bellamy in her advance medical surgical coursework. And  
17 it was -- or I perceived it as a, in the future this needs  
18 to occur, that she verbalized that she did not feel that  
19 Lindy would pass boards and would be a liability and did  
20 not need to pass.

21 Q. But you do not -- you did not interpret that to  
22 mean that you needed to go back and regrade her to fail  
23 her that particular semester?

24 A. No. But Ms. Peterson would not have asked that  
25 of me, I know.

1 Q. In regards to instructor Bellamy, did you and  
2 instructor Bellamy have a discussion after or outside of  
3 the presence of Ms. Peterson after Ms. Peterson left,  
4 after she made that statement, y'all need to fail her, and  
5 then did she walk away? What did she do?

6 A. She stayed for a few more minutes and we talked  
7 about some other things. And at some point in time,  
8 Brenda Bellamy and I discussed the fact that, again, that  
9 Lindy sometimes had problems with the academic book work  
10 and, you know, needed extra studying and extra help; but  
11 that when she got it, she got it and that we felt -- both Ms.  
12 Bellamy and I felt that she would pass boards.

13 Q. Was there ever a conversation between you and  
14 instructor Bellamy to the effect that -- I know you said  
15 that you did not feel like it was a direct instruction for  
16 you to go back and regrade Ms. Wright's coursework for  
17 that semester. Did Ms. Bellamy also, in your opinion, did  
18 she seem to have that same understanding?

19 A. I would say yes. And this is my perception. The  
20 fact that both Ms. Bellamy and I are super ethical and  
21 walk the line as far as how things should be done, so I --  
22 my assumption would be that if that was in Ms. Peterson's  
23 thought process, even she would not have asked us because  
24 she knows we would not have done it.

25 Q. So you do believe that it was a direct



1 instruction, her being your supervisor, you being her  
2 subordinate, her telling you, in the future you must fail  
3 her?

4 A. I did not feel she was telling me to fail Lindy  
5 if she passed. It was a more you need to make it hard  
6 enough that Lindy won't pass. If she's having difficulty,  
7 then y'all need to handle this and not make it so that she  
8 can get it. That was my perception of the message.

9 Q. Okay. Aside from that conversation, was there  
10 ever a conversation or a directive from the -- Ms.  
11 Peterson or anyone else who would have been perceived as  
12 someone who would have been in a higher rank of authority  
13 than you instructing you or telling you anything regarding  
14 Lindy Wright?

15 A. Not that I recall.

16 Q. Do you recall any type of an incident at  
17 graduation regarding Ms. Lindy Wright and Ms. Peterson?  
18 It would have been a graduation exercise for the LPN  
19 degree, not the ADN degree.

20 A. No, I don't remember any incident.

21 MS. COOLEY: Okay. I don't have anything further  
22 for you; however, Dr. Dumbuya may.

23 THE WITNESS: Okay.

24 **EXAMINATION**

25 **BY DR. DUMBUYA:**

1 Q. Going back, Ms. Gunnels. Going back to the  
2 statement allegedly made by Ms. Peterson that you have to  
3 fail her. Was this after a particular course that you had  
4 taught to Ms. Wright that she told you you have to make  
5 sure that she fails?

6 A. Uh-huh. It was the end of summer quarter. They  
7 started school in May and this would have been whenever  
8 that particular quarter ended in August, a semester. CVCC  
9 is on semester system, I apologize. I'm dealing with  
10 quarter systems right now. And Ms. Bellamy and I were in  
11 the office computing final grades for the course that she  
12 taught, which was the med surge course and the two courses  
13 I had taught Lindy, which was the pharmacology and the  
14 physical health assessment course. And as I remember,  
15 Lindy was what we call close in her med surge course. And  
16 depending on how well she had done on her final was going  
17 to determine whether she made a C or not; and she did, as I  
18 recall, very well on her final, which is a comprehensive  
19 testing of all the knowledge that's been presented over a  
20 three-month time period so we put a lot of emphasis. It's  
21 weighted higher because it is comprehensive over the  
22 entire -- everything we have taught for that semester goes  
23 on that final. Because as a nurse, you can't afford to  
24 store things in your short-term memory, it has to become  
25 knowledge base. And so that's the most important thing to

1 us is at the end of semester, does the student have the  
2 knowledge they need to move on to the next level. And so  
3 that is -- as I recall, Lindy did well on her final, her  
4 grade was not close to being a D, it was a middle, low C.

5 Q. Now, to the best of your knowledge, had Ms.  
6 Peterson made that statement before concerning another  
7 student that you have to make sure that she flunks?

8 A. No. I have never been told that before. I'd  
9 heard Ms. Peterson express concerns about students at  
10 times. Board results are very important to nursing  
11 programs. Depending on the state -- and I can't remember  
12 exactly what Alabama's is now. Georgia, it's 80 percent.  
13 If 80 percent of your students do not pass boards, the  
14 state board of nursing comes in and investigates your  
15 program, you can be put on suspension, get a slap on the  
16 hand. Because if the propensity of your students or a  
17 majority of your students are not passing boards, then it  
18 is the fault of -- it is perceived to be the fault of the  
19 program, either in their admission criteria or how they  
20 are presenting the information or how they are testing.  
21 And so you're -- you are audited every so often anyway.  
22 State Board of Nursing comes in, National League of  
23 Nursing comes in and looks at your program.

24 But, for example, the Alabama State Board of Nursing  
25 just sent out their annual report for last year, 2005. So

1 the class that Lindy Wright was a part of would not be  
2 reflected in that. And CVCC is on a suspension type.  
3 They've got an asterisk by their name, which means the  
4 State Board of Nursing has talked to them about their pass  
5 rate, that they've had -- not had the appropriate numbers  
6 of student -- percentage of students passing boards on  
7 their first try.

8 And so I know Ms. Peterson was very concerned about  
9 that and wanted to make sure that this class had a very  
10 high pass rate, and she had verbalized that concern.

11 Q. Having said that, you know, why would Ms.  
12 Peterson therefore instruct, or at least tell those of you  
13 within the confines of the office that you all need to,  
14 you know, flunk her?

15 A. Because she said, she -- Ms. Peterson said,  
16 expressed the opinion, Lindy would not pass boards once  
17 she finished the program. And she said, she's weak,  
18 y'all, she's not going to pass boards or words to that  
19 effect.

20 You are not rated or looked at by the State Board of  
21 Nursing or the governing bodies as to your attrition rate  
22 in your course. The measurement is how many of your  
23 students that you graduated and said received the proper  
24 education has the proper knowledge passes the national  
25 exam because all nurses take the exact same exam whether

1 you go to CVCC or whether you go to Yale for nursing  
2 school. The initial exam is exactly the same to be able  
3 to place RN behind your name. And so there's a base of  
4 knowledge that all RNs or candidates to take the NCLEX  
5 (phonetic) and become an RN are supposed to have.

6 And she expressed the opinion that in May, when  
7 Lindy -- or August, when Lindy would -- May when Lindy  
8 would graduate, that she would not pass boards.

9 Q. So essentially what you are saying, Ms. Peterson  
10 had made a predetermination that she's not going pass the  
11 board exams and as such, she ought not to be graduated  
12 essentially?

13 A. That was my impression. Lindy did not pass her  
14 practical nursing boards the first time she took them.  
15 And I know that she received some tutoring from another  
16 instructor and I helped a little bit, and she passed them  
17 with flying colors the second time. And that's not that  
18 unusual for you to have a student who is not a good test  
19 taker to sit once to get the feel for it and see what  
20 types of questions. Because as much as we try to explain  
21 in the classroom what it's going to be like -- and I'm  
22 sure you have the same type thing with the bar -- that you  
23 go and sit in front of a computer, you may get 85  
24 questions, you may get 275 questions and neither are  
25 really an indicator of whether you have passed or not. So



1 it's a draining experience, nerve racking, computerized.  
2 And so we -- you plan on a certain number of students not  
3 passing boards the first time just because of the anxiety  
4 and the new type of experience. And so most programs,  
5 that's why 80 percent is our goal, not 100 percent.

6 Q. Now, when Ms. Peterson made the statement that  
7 you all need to flunk her, did any of you respond to her?

8 A. We did. I know I did. And Ms. Bellamy said  
9 essentially as I remember the same thing I did, sometimes  
10 it takes her a little bit longer, sometimes she needs some  
11 extra help, but she'll get it and she gets it and she's  
12 got this and so, you know, we feel good about her moving  
13 on.

14 Q. Okay. Now, Ms. Gunnels, did you have occasion to  
15 teach a student by the name of Urich Uma (phonetic)?

16 A. Yes.

17 Q. Uma.

18 A. Uma. Sir, I did.

19 Q. And do you recall which semester it was that you  
20 had this particular student?

21 A. It would have been -- and I'm guesstimating  
22 here -- the -- well, I had her the year before Lindy  
23 Wright's class, so they would have started in May of 2004  
24 with graduation in May of 2005.

25 Q. Okay. And which particular course did this

1 student take from you, if you know?

2 A. I taught pharmacology, obstetrics and pediatrics.  
3 I was her lecturer and sometimes clinical instructor.

4 Q. Okay. Would that course or any of those two  
5 courses be NUR-272?

6 A. That would be pediatrics, yes, sir.

7 Q. That would be pediatrics, okay.

8 A. NUR-271 is OB, and I can't remember  
9 pharmacology's number.

10 Q. Do you remember the course number of the other  
11 course that she took from you?

12 A. 271 would be the obstetrical course. And if  
13 you -- I could get the number for the pharmacology course.  
14 I have it in my records. I just off the top of my head  
15 cannot remember but it would have been a 200-level nursing  
16 course.

17 Q. So all in all she took three courses from you?

18 A. Three courses and it would have been over a year  
19 time period that I was her instructor.

20 Q. Okay. Now, do you recall the grade on 272, the  
21 pediatric course?

22 A. Yes. She made an F.

23 Q. She made an F?

24 A. Yes, sir.

25 Q. Okay.

1           A.    I take that back. It may have legally been a D.  
2   As I recall, she had a C in her course work, but she made  
3   an F in her clinical grade. And according to the school  
4   policy, I believe that gave her an overall D for the  
5   course but insured that she would have to retake the  
6   course to graduate.

7           Q.    Okay. So she earned a D in --

8           A.    Probably the grade -- if you looked at her grade  
9   report, it would reflect a D.

10          Q.    A D. That would be the overall grade for that  
11   particular course?

12          A.    Right. With a C being her course work and an F  
13   being her clinical grade, the grade she got on her  
14   performance actually in the hospital --

15          Q.    Okay.

16          A.    -- take caring of patients.

17          Q.    Taking care of patients. So overall, she failed  
18   272; is that correct?

19          A.    272, yes, sir.

20          Q.    Do you have any present recollection as to  
21   whether she was allowed to retake 272?

22          A.    I have been told that she took a variant of 272  
23   during a semester when 272 was not officially offered.  
24   And so as I understand, they set up a special independent  
25   course for her.

1 MS. COOLEY: Instructor Gunnels, if we could  
2 pause, we've got somebody who's got to be somewhere if  
3 we can just do 10 minutes with her real quick.

4 (Recess was taken.)

5 A. You were asking me about Urich Uma and the 272  
6 grade; right?

7 Q. (BY DR. DUMBUYA) And the 272 she failed and she  
8 was allowed to retake 272; is that correct?

9 A. I was told -- because at that point, I had left  
10 Chattahoochee Valley. But I was told that they had set up  
11 an independent study with Ms. Harris and she did some type  
12 of clinicals with an instructor named Sylvia Shirley and  
13 then had to do remediation with Ms. Harris and. This was  
14 told to me by various nurses and instructors, so I can't  
15 attest to the validity. That's what I was told. But  
16 there was not a 272 being offered at the time that she  
17 took it, so for the first time to my knowledge or in the  
18 history of CVCC, they allowed a student to come back, not  
19 make them wait for the next rotation of the NUR-272.

20 Q. And to the best your knowledge or to the best of,  
21 you know, the information you received, this was not an  
22 equivalent 272 course but something that was made up?

23 A. It was an independent study for the course work  
24 and an abbreviated clinical experience and more  
25 remediation in the lab, not the syllabus required work for

1 272.

2 Q. Okay. What about 271? Did she receive a passing  
3 grade for it?

4 A. She made a C in that course, I believe. She was  
5 actually a B/C student in the classroom. It was in the  
6 clinical arena she was very, very, very weak to the point  
7 of dangerous.

8 In 271, that is obstetrics, so deficiencies usually  
9 aren't picked up there because the students are working in  
10 well-baby nursery, they are working with mom's who just  
11 had babies getting them up, giving them showers, that kind  
12 of thing. 272, even though it's pediatrics or maybe  
13 because it is pediatrics, they are taking care of very ill  
14 children on the floor, small babies with IVs, you know,  
15 really sick kids, that type of thing. And her clinical  
16 deficiencies just came out when she started working on  
17 pediatrics with myself and another clinical instructor.

18 Q. Okay. Now, you don't have a course number for  
19 the clinicals, do you?

20 A. It's the same course. In -- at Chattahoochee  
21 Valley, you either receive a pass/fail for your clinicals.  
22 And if you pass clinicals, then the letter grade that you  
23 receive on your grade report is what you've received in  
24 the classroom plus care plans, that type of thing. If you  
25 fail the clinical portion and you fail the classroom



1 portion, you get an F. If you fail the clinical portion  
2 but pass the classroom portion, you receive a D to ensure  
3 that you come back because you have those clinical  
4 deficiencies.

5 Q. Now, under CVCC policy at the time when Ms. Uma  
6 failed 272, was she out of the program, the nursing  
7 program?

8 A. That was the first course and only course she had  
9 failed. And how it should have been handled or how it had  
10 been handled in the past or what the policy was is that  
11 she would wait a year and come back the next January when  
12 272 was offered again and take it with the next class of  
13 students. And, in fact, we had students coming back, for  
14 example, in OB. It's -- I don't want to say it's not  
15 unusual; but if someone does not pass, then they have the  
16 really nine-month wait till it starts again and then they  
17 retake that class again and either pass or fail.

18 Q. Well, in this case, she was allowed to take a  
19 make-up course before the nine-month lapse --

20 A. Yes.

21 Q. -- had taken place?

22 A. She had obtained a lawyer and had come to the  
23 school. The lawyer had come to the school. And Ms. Uma  
24 was Nigerian, was Black, and there was conversation about  
25 the racial ethnic issue of with her race and her ethnicity

1 that the college was going to have to be very careful.

2 And, in fact, I was -- I had to defend -- I'm the one  
3 that issued the F. I had to defend the grade that I  
4 issued and the two clinical instructors who were working  
5 with me because -- I didn't even want to rely just on my  
6 opinion. So two other instructors, pediatric instructors,  
7 worked with her. We all came to the exact same opinion  
8 that she should not pass, she was dangerous clinically. I  
9 informed Ms. Peterson that she was going to fail, issued  
10 the F. I had to defend my grade in a meeting with the  
11 biology teacher, who is also an RN -- and her first name  
12 is Jane. I can't remember her last name. I can find out.  
13 -- Ms. Peterson; Ms. Bellamy, who was not involved in that  
14 course, and explained, present all my documentation, et  
15 cetera, et cetera. And at one point in time, they even  
16 said, oh, you're not going to be able to fail her because  
17 at one point in time you had too many students on the  
18 floor. And I had to prove to them that I had stayed  
19 within the state standards of how many students per  
20 instructor were actually on the floor.

21 I consequently had another meeting with Dean Lowe and  
22 Ms. Peterson. And it was Dean Lowe's -- Dean Lowe could  
23 have overridden my decision to assign Ms. Uma an F, and  
24 indicated that he was going to override my decision to  
25 give Ms. Uma an F. I informed him that I would drive to

1 the State Board of Nursing in Montgomery and take my  
2 records with me, and that I would tell the State Board of  
3 Nursing that she was dangerous and should not be allowed  
4 to take boards and that I had been overruled. And I feel  
5 only because of that was she finally issued the F.  
6 Because she went through an appeal process and I met  
7 several times, more times than I care to count, and had to  
8 defend my grade. And I had pages and pages of  
9 documentation, time, witnesses, that type of thing. And

10 Dean Lowe, in essence, told me that I could not assign  
11 her an F because of her ethnicity. And I told him that if  
12 he overruled my decision that I would inform the State  
13 Board of Nursing and everybody else I could think of who  
14 needed to know. And that if anything came of it, that,  
15 you know, I would be a witness for whoever, that I would  
16 tell them what, you know, had happened in those meetings.

17 Q. Now, when Ms. Uma showed up with the attorney,  
18 was it before or after she was allowed to take a make-up  
19 course --

20 A. Oh, it was before.

21 Q. -- 272? Before.

22 A. There was -- she would have failed in May. I  
23 still worked for the college that summer, and that is when  
24 she was appealing it, and, you know, all of this was  
25 occurring. And then I left in August and my understanding

1 is they let her come back right after I left and take the  
2 special independent-type study course. And that right had  
3 been denied other students. They had to wait until the  
4 course was again offered in sequence.

5 Q. And to the best of your knowledge, do you know  
6 whether Ms. Uma finally did receive her degree, ADN  
7 degree?

8 A. My understanding is that after remediation in the  
9 lab with Ms. Harris, I was told that Ms. Shirley had again  
10 failed her clinically or had not felt like she was strong  
11 enough; and that the instructor, Lynn Harris, had worked  
12 with her in the lab and they had decided that she had  
13 learned what she needed to know and issued a passing grade  
14 in pediatrics.

15 DR. DUMBUYA: All right. I don't have anymore.

16 MS. COOLEY: I do now. I'm sorry.

17 THE WITNESS: That's okay.

18 **RE-EXAMINATION**

19 **BY MS. COOLEY:**

20 Q. Something that you just said, I want to make sure  
21 I understand. She was issued a second failing grade but  
22 then Instructor Harris overrode that and worked with her  
23 individually?

24 A. I don't know that she actually received on a  
25 grade report an F. I was told that Ms. Shirley in

1     clinicals did not feel like she was capable of being --  
2     passing clinicals, and so Ms. Harris took her to the lab  
3     and worked with her. And things were done till the point  
4     where she was capable of performing basic nursing care and  
5     was given a passing grade.

6             The things that Ms. Uma failed when I failed her were  
7     basic, basic safe nursing techniques: Catheterization,  
8     sterile technique asepsis, numerous medication errors that  
9     had she not been with an instructor she would have killed  
10    a child, to the degree -- and I said earlier, I don't take  
11    failing a student lightly. I see myself as being there to  
12    make sure that if they're going to be a competent nurse,  
13    that they're prepared and, you know, I will tutor, blah,  
14    blah, blah. There in my opinion, Ms. Uma was so unsafe  
15    that there was no tutoring.

16            We brought her back at the beginning of each group for  
17    the LPNs to RNs -- we have a clinical lab day were they  
18    come in -- our assumption is because they're LPNs, they  
19    can start an IV, they can give an injection, they can put  
20    in a Foley catheter because those are things that they've  
21    been doing in their practice field. But when they go on  
22    the floor as a student, they're working under my license.  
23    They're not working under their LPN license, and I am  
24    responsible for the practice and for the care that they  
25    give.



1           So we bring them in and it's set up with mannequins  
2           and stations and those types of things. And I know one of  
3           the skills we call them is catheterization. Ms. Uma  
4           flunked catheterization like four times that day, five  
5           times that day and with three different instructors to the  
6           point they came and got me and said, come, you know, watch  
7           her. And I said, okay, we've spent enough time, you are  
8           going to have to come back separate and special. And this  
9           was to get her ready to come into this special class. And  
10          so they sent her through with the group of students that  
11          was there to do this clinical day and this clinical check  
12          off, and she could not pass that, which is basic, basic  
13          nursing skills.

14          Q.   And when you say basic, again, those are skill  
15          sets that she should have already learned being an LPN,  
16          not even reaching to the level of an ADN?

17          A.   These are first quarter, taking people off the  
18          street, spending five hours with them. And if I spent two  
19          hours with you, you could do this particular skill that  
20          she could not pass.

21          Q.   Had she gotten her LPN from CVCC?

22          A.   No. She -- I'm not sure where -- she came from  
23          Atlanta to CVCC for her LPN to RN bridge, and was an LPN  
24          practicing in some type of special unit at Grady.

25          Q.   All right. Going back to Ms. Wright,

1 specifically regarding the board exams. The closest it  
2 sounds like simulation process that you-all have for the  
3 ADNs to get them ready for the RN is a simulation board  
4 exam; is that correct?

5 A. Right. They take that at the end of --

6 Q. And the first time that Ms. Wright took the  
7 simulation board exam, she failed it; is that correct?

8 A. I'm not aware of that because I had left the  
9 college at that point.

10 Q. Okay. The board exam that you said that she  
11 failed initially, was that the LPN board exam?

12 A. That was the first time she sat for her practical  
13 nursing boards.

14 Q. Okay. The second time that she took it, however,  
15 she passed and received her LPN degree; is that correct?

16 A. Correct.

17 Q. Would that be if -- if not utilizing the services  
18 of a practical or simulation exam for RN, would the  
19 closest thing that she would have taken prior to that  
20 would have been the LPN exam?

21 A. It's similar, yes.

22 Q. And she did, in fact, pass that the second time?

23 A. She did.

24 MS. COOLEY: All right. I have nothing further.

25 Thank you so much for your time.

1 DR. DUMBUYA: I don't think I have anymore  
2 questions.

3 THE WITNESS: You are welcome.

4 MS. COOLEY: Is the best way to reach you on the  
5 address that you gave to us?

6 THE WITNESS: In writing, yes.

7 MS. COOLEY: Okay, great. Thank you.

8 **WHEREUPON, the deposition of Ms. Sandra Gunnels**  
9 **concluded at 9:30 a.m. EST.**

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1 STATE OF GEORGIA

2 COUNTY OF MUSCOGEE

3  
4 C E R T I F I C A T E

5  
6 The foregoing transcript of the proceedings was  
7 taken before me as a Certified Court Reporter in and for  
8 the State of Georgia and reduced to this transcript under  
9 my direction and supervision, and I certify that it is a  
10 true and correct and complete transcript to the best of my  
11 ability of the proceedings.

12  
13 This 20th day of November, 2006.

14  
15  
16  
17 Courtney Tillman Peters

18 Courtney Tillman Peters  
19 Certified Court Reporter  
20 Certificate No. B-2329  
21  
22  
23  
24  
25

PLAINTIFF'S  
EXHIBIT  
23

lead  
mark  
B  
choose  
d

- A) Surgery site for signs of infection
- B) bandage for drainage
- C) ability to speak. correct doo
- D) Support heel to prevent stress on suture line

DEFENDANT'S  
EXHIBIT  
10

321.94  
173.46  
250.00

Fundamentals pg 1117

nurse is providing irrigation for Nasogastric tube.  
Mr pts K<sup>+</sup> Level 4 meq/l + Sodium 130 meq/l the

not leaving it in Nursing action

3 Med Surg  
Instructor  
picked  
A

- A) tap H<sub>2</sub>O
- B) sterile water
- C) 0.25% NS
- D) 0.9% NS

could use either  
doesn't have to be sterile.

NO - NS is isotonic & will not  
impact Na level -

marked  
in  
red  
on  
screen

interventions be priority in the plan of care for  
pt w/ multiple myeloma

choose B  
Anxiety  
in  
Red

- A) ↑ Fluids
- B) monitor RBC p. 1827 - last version
- C) cough & deep breathe
- D) frequent oral care

"Renal failure (complicat  
would give ↓ fluid."

p. 909 10th ed.  
1st line

pt w/ CA developed complication of thrombocytopenia  
hygiene contraindicated

bleeding

- 50) ~~Correct~~ A) Brushing teeth & dental floss.
- B) shower w/ hot water
- C) taking lukewarm sponge bath
- D) using bubble bath

bleeding  
Chap 4th ed  
p 303

2970

A



Success for treatment of prosthetic en.

⑥ No answer on scan  
Key on paper  
E - kidney  
F stomach  
G liver  
H blood

this was to be graded by hand. per instructor  
Client is taking a nonselective  
beta-adrenergic agent for asthma  
check which organ for effects of the drug.

Assessment of 34yr. old pt  
post liver biopsy.

reveals IV 0.9% KVO - resp 24 - b/p 80/40

pulse 130 - Temp 97°  
1st action post 1st op  
neurose skin cool. Cap refill > 5

q ↓ HOB 30°  
⑥ Call physician - get order  
need blood

c) check incision site

D. increase fluids to 100ml/hr → not

Neurote Syndrome.

- providing care for
- A) wide spread edema
  - B) ↑ protein serum levels
  - C) low serum triglyceride level
  - D. weight loss over the last several months.

CHF client order lasix 60mg IV.

1/2 hr. later she wants to go to bathroom  
offer bedpan, becomes upset w/out bathroom

Select all info. you can let her use bedpan  
Commode. A) O2 96% B) B/P 130/84 Resp 20  
C) pedal edema D) color pink, skin warm

⑥

+ clear  
Pulse 104 +  
irreg.

Bad question  
D. do you have  
can order 100ml  
little to  
in fact

98  
437

Answer  
picked  
C

orange  
providing care

But no  
meds  
in  
on  
scan

preparing to administer oxygen...  
 nurse should explain the type of mask that provides the most accurate method of oxygen delivery is

- here  
 A) Non rebreather air mask  
 B) Aerosol mask  
 C) Venturi mask  
 D) Simple mask

What are correct interpretations of following blood gas value

PH 7.36<sup>N</sup> PaCO<sub>2</sub> 24 HCO<sub>3</sub><sup>-</sup> 14 ↓

Answer  
 D

- A) Respiratory alkalosis  
 B) Compensated resp alkalosis  
 C) metabolic alkalosis  
 D) Compensated metabolic acidosis

Compensation?

total uses  
 not on  
 test

Q. Care for pt hospitalized w/ acute exacerbation of chronic obstructive (COPD) which of the following would the nurse expect to evaluate this client

- Picked  
 D  
 A) ↑ O<sub>2</sub> Sat w/ exercise  
 B) Hypocapnia  
 C) hyperinflated chest x-ray  
 D) widened diaphragm noted on chest x-ray.

~~Right~~

2. Instructing a hospitalized client w/ a diag of emphysema about measures that will enhance the effectiveness of breathing during dyspneic periods. Which of the following positions will nurse instruct client to assume?

- Answer  
 D  
 A) side lying in bed.  
 B) Sitting in a recliner chair  
 C) Sitting up in bed.  
 D) sitting up in bed leaning over bed side table

(C)

the fluctuation of H<sub>2</sub>O seal contains slip. The most probable cause of the flip is.

- Choose  
A) the tubing is loose at the insert site.  
B) the lung has reexpanded  
C) there is a leakage of air in the seal.  
D) the tubing needs to be irrigated

It is necessary to supply humidity through a tracheostomy

because

- A. periods of dyspnea will occur as O<sub>2</sub> dries lungs  
B. The nose + pharynx are bypassed & O<sub>2</sub> dries secretions  
C. Periods of apnea + mucus will be dry  
D. All of above

Choose

A client has adult respiratory distress syndrome

The lowest fraction of inspired O<sub>2</sub> possible for optimizing gas exchange is used. The nurse explains to the family the reason for this precaution is to

- A) Avoid resp depression  
B) Prevent O<sub>2</sub> toxicity  
C) Increase lung compliance  
D) Promote production of surfactant

Which of the following occurs w/ aplastic anemia?

- A) leukocytosis  
B) anemia  
C) polycythemia  
D) leukopenia  
E) thrombocytopenia

Choose  
B + D

not C but E answer

D

- Need to choose 1
- A) Surgery site for signs of infection 321.94
  - B) bandage for drainage 173.46
  - C) ability to speak. correct also 250.00
  - D) Support head to prevent stress on suture line
- Nursing action

Fundamentals pg 1117

nurse is providing irrigation for Nasogastric tube.

Mr pts K<sup>+</sup> Level 4 meq/l & Sodium 130 meq/l the

nurse would irrigate w/

A) tap H<sub>2</sub>O

B) sterile water

C) 0.25% NS

D) 0.9% NS

could use either doesn't have to be sterile.

NO - NS is isotonic & will not impact Na level -

interventions be priority in the plan of care for pt w/ multiple myeloma

A) ↑ fluids

B) monitor RBC

C) cough & deep breaths

D) frequent oral care

9th ed.

"Renal failure (complication) would give ↑ fluid."

p. 909 10th ed. 1st line

pt w/ CA developed complication of thrombocytopenia

hygiene contraindicated

54 correct

A) Brushing teeth & dental floss.

B) showering w/ hot water

C) taking lukewarm sponge bath

D) using bubble bath

bleeding Chap 303

9th ed

pg 770

Success for free new v. B. Proctor & Co.

Answer on scan  
Key on paper  
E kidney  
F stomach  
G liver  
H heart

this was to be graded by hand, per instructions

Client is taking a nonselective  
beta-adrenergic agent for asthma  
check which organ for effects of the drug.

assessment of 34yr. old pt

Fundamental  
Book  
Post Def. Care

post liver biopsy.

reveals IV 0.9% KVO - resp 24 - b/p 80/40

pulse 132 - Temp 97°  
1st act. in post 1st resp 18  
reprise skin cool. Cap refill > 5

↓ HOB 30°

Call physician.

check incision site

D. increase fluids to 100ml/hr → not

even maintenance  
providing care for Nephrotic Syndrome.

Bad question  
D. do you have  
an order for  
100 ml is too  
little to  
in post

Answer  
picked  
E

A) urine spread edema

B) ↑ protein serum levels

C) low serum triglyceride level

D. weight loss over the last several months.

CHF client order lasix 60mg IV.

1/2 hr. later she wants to go to bathroom

off bedpan, becomes upset visit bathroom  
Select all info. you can get her use bedpan

Commode. A) O2 96% B) B/P 130/84 Resp 20  
C) ↓ pedal edema D) color pink

skin warm  
& dry  
Pulse 104  
+ med.

Balance  
mental  
pick  
all  
on  
bottom



nurse should explain the type of mask that provides most accurate method of oxygen delivery is

- h. A) Non rebreather air mask  
 A B) Aerosol mask  
 C) Venturi mask  
 D) Simple mask

What are correct interpretations of following blood gas value

PH 7.36<sup>N</sup> PaCO<sub>2</sub> 24 HCO<sub>3</sub><sup>-</sup> 14 ↓

- Answer D A) Resp alkalosis  
 B) Compensated resp alkalosis  
 C) metabolic alkalosis  
 D) Compensated metabolic acidosis

Compensation?

total was not on test

carry for pt hospitalized w/ acute exacerbation of chronic obstructive (COPD) which of the following would the nurse expect to evaluate this client

- Picked D A) ↑ O<sub>2</sub> Sat w/ exercise  
 B) Hypocapnia  
 C) hyperinflated chest x-ray  
 D) widened diaphragm noted on chest x-ray.

pg 454

instructing a hospitalized client w/ a diag of emphysema about measures that will enhance the effectiveness of breathing during dyspneic periods. Which of the following positions will nurse instruct client to assume?

- 2 e Answer D A) side lying in bed.  
 B) Sitting in a recliner chair  
 C) Sitting up in bed.  
 D) sitting up in bed leaning over bed side table

the fluctuation of  $\text{pH}$  is

choose probable cause of the fug is.

- answer
- B) the tubing is loose at the insertion site.
  - ☒ B) the lung has reexpanded
  - C) there is a leakage of air in the seal.
  - D) the tubing needs to be irrigated

It is necessary to supply humidity through a tracheostomy

because.

- answer
- A. periods of dyspnea will occur as  $\text{O}_2$  dries lungs
  - ☒ B. The nose + pharynx are bypassed +  $\text{O}_2$  dries secretions
  - C. Periods of apnea + mucus will be dry
  - ☒ D all of above

choose

A client has adult respiratory distress syndrome  
The lowest fraction of inspired  $\text{O}_2$  possible for optimizing  
gas exchange is used. The nurse explains to the  
family the reason for this precaution is to

- A) Avoid resp depression
- B) Prevent  $\text{O}_2$  toxicity
- C) Increase lung compliance
- D) Promote production of surfactant

Which of the following occurs w/ aplastic anemia

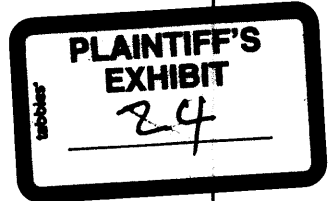
- ☒ A leukocytosis
- ☒ B anemia
- ☒ C polycythemia
- ☒ D leukopenia
- ☒ E thrombocytopenia

Choose

B + D

not C but E answer

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
OPELIKA DIVISION



LINDY WRIGHT,  
Plaintiff,  
vs.  
CHATTAHOOCHEE VALLEY  
COMMUNITY COLLEGE,  
Defendant.

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**ORIGINAL**

Oral Deposition of **MS. CAROLLA RAMBO**, Witness, called by the Plaintiff, before Courtney Tillman Peters, Certified Court Reporter and Notary Public for the State of Alabama, taken at the law offices of Parker & Cooley, 1507 Broad Street, Phenix City, Alabama 36867 on the 1st day of November, 2006, commencing at 9:00 a.m. EST.

**COURTNEY TILLMAN PETERS**  
Certified in Alabama & Georgia  
**CAUSEY & PETERSON CERTIFIED COURT REPORTERS**  
Post Office Box 81  
Columbus, Georgia 31902  
(706) 317-3111

APPEARANCES OF COUNSEL

For the Plaintiff: MS. JENNIFER B. COOLEY  
Parker & Cooley  
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Phenix City, Alabama 36867

DR. PETER A. DUMBUYA  
Attorney at Law  
Post Office Box 3302  
Phenix City, Alabama 36868

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<u>WITNESS/ATTY</u>	<u>EXAM</u>	<u>REEXAM</u>
Rambo (Cooley)	4	

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<u>INDEX NO.</u>	<u>PAGE</u>
There were no exhibits marked for identification.	

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between counsel appearing for the respective parties that:

1) The oral deposition of **MS. CAROLLA RAMBO**, Witness, called by the Plaintiff, taken before Courtney Tillman Peters, Certified Court Reporter and Notary Public for the State of Alabama, at 1507 Broad Street, Phenix City, Alabama 36867 commencing at 9:00 a.m. EST, on the 1st of November, 2006;

2) ALL FORMALITIES with reference to notice of taking, notice of time and place of taking, qualifications of the Court Reporter, and all other matters precedent to the taking of depositions are WAIVED;

3) ALL OBJECTIONS, EXCEPT as to the form of the question and responsiveness of the answer, are RESERVED to the time of the hearing of the case;

4) ALL FORMALITIES with reference to the filing of depositions, including notice of filing, etc., are WAIVED;

5) With the consent of deponent, the reading and signing of the deposition by deponent is WAIVED;

- - - - -



1           **WHEREUPON, the deposition of Ms. Carolla Rambo,**  
2           **beginning at 9:00 a.m. EST, occurred as follows:**

3                           **MS. CAROLLA RAMBO**

4           having been first duly sworn, testified upon examination,  
5           as follows:

6                           **EXAMINATION**

7           **BY MS. COOLEY:**

8           Q.    Please state your name.

9           A.    Carolla Rambo.

10          Q.    And, Ms. Rambo, where do you live?

11          A.    6900 Flexstone Drive, Columbus, Georgia 31907.

12          Q.    And where are you employed?

13          A.    Oak and Pine Manor.

14          Q.    And in what capacity are you employed?

15          A.    I'm a restorative supervisor.

16          Q.    And is that in any way connected to being a nurse  
17          or having a nursing degree?

18          A.    Yes.

19          Q.    And where did you obtain your nursing degree?

20          A.    I obtained my LPN at Columbus Technical College.

21          Q.    And were you ever at any point in time enrolled  
22          at Chattahoochee Valley Community College?

23          A.    Yes.

24          Q.    And during what time were you enrolled at  
25          Chattahoochee Valley?

1 A. From May 2005 until August 2006.

2 Q. Did you receive any type of a degree from CVCC?

3 A. Yes.

4 Q. And what degree was that?

5 A. ADN.

6 Q. And your ADN degree, did that take approximately  
7 exactly the year that you said that you were there, the  
8 May until the August?

9 A. Yes.

10 Q. During the time that you were a student at CVCC  
11 for your ADN degree, did you become familiar or become  
12 acquainted with another student named Lindy Wright?

13 A. I did.

14 Q. And did you have any classes with Lindy Wright?

15 A. I did.

16 Q. And did you have several classes or just one or  
17 two with her?

18 A. Several.

19 Q. During the time that you had classes with Lindy  
20 Wright, did you-all either at some point fail a class at  
21 the same time or retake a class together?

22 A. We failed a class at the same time.

23 Q. And what class was it that you failed?

24 A. Pediatrics 272.

25 Q. And were you, in fact, allowed to retake that

1 course?

2 A. I did.

3 Q. And what course was it that you actually retook?

4 A. Nursing 272.

5 Q. And when was it that you took Nursing 272?

6 A. In the Summer of 2007.

7 Q. In the Summer of 2007?

8 A. 2006.

9 Q. Okay. And was that prior to graduating in August  
10 of 2006?

11 A. Yes.

12 Q. And was that your only fail or your second  
13 failure?

14 A. The only.

15 Q. So you only made one nonpassing grade during the  
16 time that you were there?

17 A. Yes.

18 Q. The class that you actually took, the Nursing 272  
19 when you retook it, who was your instructor?

20 A. Ms. Harris.

21 Q. And who was your instructor for the 272 that you  
22 failed?

23 A. Ms. Harris.

24 Q. Were you the only student who was allowed to  
25 retake Nursing 272 during the time that you retook it?

1 A. No, there was another student.

2 Q. And what was that student's name?

3 A. Tiffany -- I believe her last name is Marshall.

4 I'm not sure about the last name.

5 Q. Okay. Was she in the same program with you?

6 A. She was.

7 Q. Was she in the same program with you during the  
8 duration, the entire time that you were there?

9 A. She was.

10 Q. It's my understanding that as a class, everyone  
11 starts at the same time and ends at the same time. Do I  
12 have a correct understanding of that for your nursing  
13 program that you were in?

14 A. That's correct.

15 Q. Did you graduate with the class that you entered  
16 with?

17 A. I did not.

18 Q. Okay. What class did you graduate with?

19 A. I graduated after the pediatrics class. I  
20 finished -- I completed the requirements for graduation  
21 and I'm receiving my degree in May 2007, but my  
22 requirements I met for graduation. So for the Nursing  
23 Board on my transcripts it states degree requirement met,  
24 degree awarded ADN. But to walk the stage and get my  
25 papers, it's going to be in May 2007 because they only

1 printing the degrees the week prior to graduation.

2 Q. So you will walk, in essence, in 2007?

3 A. Yes.

4 Q. But you've already met the requirements?

5 A. I met the requirements.

6 Q. But you were not allowed to graduate with your  
7 class; is that correct?

8 A. No, I was not.

9 Q. But you were, in fact, allowed to actually retake  
10 this class?

11 A. Yes, I was.

12 Q. And you did retake it with another individual.  
13 And that individual was Tiffany, you believe her last name  
14 was --

15 A. She was allowed to retake the class; but before  
16 she retook the class, we were allowed to look at our  
17 grades again and our points. And as she did so with Ms.  
18 Harris, she found out that she did, in fact, pass the  
19 Nursing 272 prior to retaking it but she did not walk with  
20 the class. I have no idea if she didn't receive the  
21 degree. And she did not receive it with the class, she  
22 was not allowed to walk the stage because it was believed  
23 that she did not pass the Nursing 272. She was allowed,  
24 like me, to relook all the grades up for the Nursing 272  
25 and at all the tests and found that there was some hidden



1 points that was not calculated right. So she did, in  
2 fact, pass the Nursing 272, and she was reimbursed for the  
3 money for the Nursing 272. And I was the only student who  
4 took the class as an independent study. I did not have  
5 any class time or any instruction time. I was doing some  
6 computer programs and I had to do clinicals again.

7 Q. Okay.

8 A. And took a final and passed the class in May.

9 Q. Is the best way to get in touch with you the  
10 address that you've previously read out for us?

11 A. Yes.

12 Q. Okay. And as I know that you are already aware,  
13 Ms. Wright, we believe, has been treated unfairly at CVCC  
14 and there is a possibility that this could become a  
15 lawsuit. We would like to list you up as a witness and  
16 you would possibly be subpoenaed to do that. I just want  
17 to make sure that you understand that as well. And that  
18 you are giving this deposition as voluntarily and of your  
19 own free will; Is that correct?

20 A. Yes.

21 Q. Do you have concerns that you want to express to  
22 us about CVCC's nursing program?

23 A. Not at this time.

24 Q. Have you ever had or heard any conversations from  
25 any of the instructors regarding Ms. Lindy Wright? Have

1 you ever personally heard or observed them talking in any  
2 capacity about Lindy Wright?

3 A. Not the instructors directly.

4 MS. COOLEY: Okay. Okay. Do you have questions?

5 DR. DUMBUYA: No, I don't have any.

6 MS. COOLEY: Okay. Thank you very much, and  
7 thank you for your time.

8 **WHEREUPON, the deposition of Ms. Carolla Rambo**  
9 **concluded at 9:10 a.m. EST.**

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1     **STATE OF GEORGIA**

2     **COUNTY OF MUSCOGEE**

3  
4                     **C E R T I F I C A T E**

5  
6             The foregoing transcript of the proceedings was  
7     taken before me as a Certified Court Reporter in and for  
8     the State of Georgia and reduced to this transcript under  
9     my direction and supervision, and I certify that it is a  
10    true and correct and complete transcript to the best of my  
11    ability of the proceedings.

12  
13             This 20th day of November, 2006.

14  
15  
16  
17                     Courtney Tillman Peters

18             Courtney Tillman Peters  
19             Certified Court Reporter  
20             Certificate No. B-2329  
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22  
23  
24  
25

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PLAINTIFF'S  
EXHIBIT

25

4/13/05

Ms. Wall, Ms. Harmon and I met on 4/12/05 to discuss and consider Ms. Umoh's appeal of her clinical grade. Based on any one of the documented incidents, a failing grade is justified in the clinical arena. However, the failing grade is reflective of and based on a trend of repeating the same type of error.

During her clinical experience, Ms. Umoh was afforded multiple opportunities to demonstrate she had corrected her previous errors and was competent. At the midterm evaluation, all errors and steps needed to remedy the consistent errors were presented and discussed at length with Ms. Umoh. However, even on the last day of clinical, Ms. Umoh was not able to demonstrate the level of critical thinking or nursing skills expected of an ADN student at the end of the program.

Of note, Ms. Umoh has consistently demonstrated a consistent lack of willingness to accept responsibility for her errors. She always "blames" someone else for her errors. She has documented that she has felt "picked on" and persecuted.

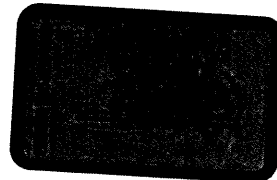
In the meeting Ms. Umoh alleged that:

- 1.) Ms. Gunnels was not present on certain clinical days when she was indeed there. Witnesses to my presence can be produced.
- 2.) She had not received any of the multiple voice mails and messages that Ms. Harmon had left. Ms. Harmon has witnesses to several of her attempts.
- 3.) She had not called Ms. Wall multiple times at home (twice at 7:30AM) when she had indeed. Ms. Wall's home and cell phone logs contradict the allegation. Ms. Umoh has also called Ms. Wall's workplace to the point that it was disruptive and Ms. Wall was instructed by her superior to put a stop to Ms. Umoh's calling.
- 4.) She had not been counseled appropriately after each incident. The instructors dispute this allegation.

When the total clinical experience is reviewed, we cannot in good conscience issue Ms. Umoh a passing grade. We feel that she is clinically unsafe and must not be allowed to pass the clinical portion of NUR 272.

*Sandra Gunnels, RN, MSN*  
Sandra Gunnels, RN, MSN on behalf of

S. Gunnels, RN, MSN  
A. Harmon, RNC, BSN  
W. Wall, RN, BSN



4/1/05 After reviewing Arit Umoh's clinical performance evaluation and grade, Ms. Umoh has demonstrated a consistent lack of knowledge, critical thinking skills, and clinical judgment. Please see attached documentation of clinical performance issues.

1/21/05 On this date, Ms. Umoh did not do noon vital signs within a timely manner. Ms. Umoh was found in the report room around 1300 looking at a patient chart. When asked by Mrs. Wall if noon vital signs were obtained, Ms. Umoh replied she was awaiting the machine (BP machine). Mrs. Wall informed Ms. Umoh that noon vital signs did not consist of a BP per peds policy (as also previously instructed with fellow students in pre conference). On this date Ms. Umoh also had to be instructed that she would not be giving meds (was found in med room looking up meds to give) this day since in pre-conference 2 other students were chosen to administer meds. Though these early encounters are minor, we feel they need to be reviewed as they set the basis for a pattern of behavior.

1/28/05 Ms. Umoh was chosen to administer meds for the unit on this particular day. Though able to voice her rights of med administration accurately, Ms. Umoh did not practice those rights consistently during this clinical day. Ms. Umoh had to be prompted consistently to check patient ID bands before administering meds. At one point she was questioned why she did not check a particular patient's ID band. Ms. Umoh replied that she had already given this patient a medicine previously. Ms. Wall instructed Ms. Umoh that this was a busy floor and that it was critical to check ID bands on all patients before every medicine administration to avoid possible error. Also on this day, Ms. Umoh took it upon herself to time out Vancomycin IV (and in doing so, med would be given) on a patient. The actual order was for Vanc to be given IF patient spiked a fever (which patient had not). Ms. Umoh did not recognize it was a prn order even after extensive questioning by Mrs. Wall. Both Mrs. Wall and Mrs. Gunnels witnessed these events. Ms. Umoh was given ample opportunities to figure this problem out on her own before being corrected. Ms. Umoh was informed that she would be pulled again to administer meds.

2/4/05 Ms. Umoh was pulled again this day to administer medicine and performed well. Did follow rights of medicine administration. Ms. Umoh discontinued an IV without wearing gloves. Ms. Umoh was made aware of mistake.

2/11/05 Ms. Umoh had the opportunity to administer p.o. Tylenol to a patient (her assigned patient). Ms. Umoh needed help with safe dosage calculation. A dose of 40 cc was calculated erroneously, and Ms. Umoh had to be told that dose was wrong. This patient was a small child. Ms. Umoh did not follow up on her patient's response to the medicine. She was counseled on this matter. Ms. Umoh did perform an in and out cath on a 3 week old male demonstrating good technique. Ms. Umoh did have to be prompted on simple things like wearing gloves, and controlling catheter after withdrawal. The catheter

was not well controlled upon withdrawal, and urine splattered causing possible body fluid exposure to assistants.

2/18/05 & 2/25/05 Good clinical experiences. No incidences.

3/4/05 Please see T. Smith attached report of incident. Ms. Umoh was counseled on this matter and made aware of possible effects on patient. Made aware that she could go to anyone on the pediatric floor with patient issues requiring immediate action. Mrs. Gunnels questioned Ms. Umoh regarding the incident. Ms. Umoh stated that Ms. Smith was in report and she was unable to locate either of her 2 instructors once she realized the IV was infiltrated. Mrs. Gunnels questioned Ms. Umoh on why she did not notify the charge nurse or another TMC nurse. Her reply was that there were no nurses available as "everyone was in report". Ms. Gunnels further questioned Ms. Umoh on why she did not knock on the door of the report room and ask for help as this was an issue requiring immediate attention. Ms. Umoh was totally unaware of how dangerous this situation had been or that the baby could have had to have her arm surgically repaired or even amputated based on this lack of action.

Also on this day Ms. Umoh was pulled to administer a p.o. medicine. She required prompting on safe dosage calculation. Upon administering this medicine to a 15 month old patient, Ms. Umoh squirted the entire contents into the child's mouth with out allowing time to swallow. The child was upset during this time posing the threat of aspiration with administration. Ms. Umoh was counseled on proper medicine administration. Ms. Umoh did double check the medicine order on the chart (was a new order) before administering.

Shardia J. Gunnels RN  
Internist C. Gunnels RN, OSN  
Wendy Wall RN, BSN

2nd care plan 3

NAME: Arit Umoh

DATE	MEDS * Rights *	ROLL	BEHAVIOR * Confidentiality, interaction w/ others, ethics, responsibility, recognizes own limits & seeks help	TEACHING * Appropriate info, level of communication w/pt. & family	SKILLS * Critical thinking, assessment, safety, procedures, responses to situations
1-21-05	Ø med	P	Told to do VIS after lunch on pt. She went into report room to look at chart and very stiff with family		I feel there is a language barrier Problem. She does seem to under- stand what is being said. Does pay attention to detail like orders, lacks critical thinking and safety consistently D/C IV (no joses) Rectal supb Did check arm bands
1-28-05	Floor meds	P			
2-4-05	Ø	P			
2-11-05	Ø	P	Gave p.o. Tylenol for fever (still needed help) with change calculation) but did not evaluate it very good interaction with pt + mother. Ranged with child		
2-18-05		P			
2-25-05		P			
3-4-05	med. Needed prompting Safe dose calculation but finally did it.	P	administered p.o. med to 5mo. old pt 5 times in 15 months entire time with the pt finally did it. Excellent job on verbal presentation.		VS, am care, linen change VS/ IV check. (time assisted (JUS) checked linen change) pup p with (urine glasses)
3-11-05					

Assessment / L

2/11/05 Tylenol administration → Arit calculated HOC of Tylenol on a  
child - needed to be told the dose  
was wrong.

Self  
thought  
with  
med  
in  
mind  
with  
med  
in  
mind

asked of her. Continuously needs to be told what to do several times. Example: we made assignment that morning. Told student I would give meds for the whole floor. Arit was in the med room looking at MAR to see what med were to be given. I'm not sure why so I asked her what was she doing and she was puzzled to learn I other students had been giving meds all day. She didn't understand that the other student were giving meds for the whole floor. I'm still not sure she understands. WALLER

28 Arit had been given meds for over 2 hours with Mrs. Harman. Had been told the code to get informed Drawer. Mrs Harman asked me to go with her to give a PO med. Arit asked me what the code was. I asked her didn't she have the code herself. She forgot it but had been continuously giving meds. for 2 hours. when we complete giving the PO med. she came back to the room <sup>(med)</sup> to mark off that she had given med. she wrote a time down on the MAR for a different drug and marked it off like she had given it.

When I questioned her about it she didn't know she marked the wrong med and still wanted to give ~~it~~ this med (that was PRN) to the pt. she didn't understand it was PRN and I had to get her to read the Print (orders) on MAR. copy of MAR will be given also. Mrs Gunnels witnessed me questioning Arit about this mistake. WALLER

did not check Pt Arm band, said she had given Pt meds before. I reminded her she was giving meds for the whole floor and she must check all Arm bands.

Had to be told to look at order to see if Septa was given orally (order change) she did look it up but charted on the MAR that she gave it IV. when I corrected her on this she wrote times for orally BID without checking order.

Told to ~~give~~ do V/S when she got back from lunch then look up meds to give. she didn't do this. she went to look up meds and didn't do V/S until almost 13:00.

11 0815 Took Temp 102 / ~~corrected to 101.5~~ nurse had to be reminded to recheck temp @ 1040 & see if med worked. Nurse not happy with student.

14 Please see attached info regarding the infiltration of an IV in an infant. This was a serious safety issue (the infant could have ~~had~~ <sup>required</sup> surgical intervention up to and including skin grafts amputation of the arm).